



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
Relay Colorado 711
303-795-4630 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

Public Meeting
December 6, 2016
9:30 A.M.

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

AGENDA

1. OPENING

1.a. CALL TO ORDER

Arapahoe County Board of County Commissioners

1.b. INTRODUCTION

Ron Carl, County Attorney

Joleen Sanchez, Asst. Clerk to the Board

1.c. ROLL CALL

1.d. PLEDGE OF ALLEGIANCE

2. MODIFICATION TO THE AGENDA

3. ADOPTION OF THE AGENDA

4. APPROVAL OF THE MINUTES

4.a. BOCC Public Meeting Minutes - November 15, 2016

Documents:

[BOCC PUBLIC MEETING MINUTES 11.15.2016.PDF](#)

5. CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.

6. CONSENT AGENDA

6.a. 11.7.2016 Warrant ACH Expenditure Report

Authorization to sign the Warrant Disbursement Register

Ron Carl, County Attorney

Documents:

[11.7.2016 WARRANT ACH EXPENDITURE REPORT.PDF](#)

6.b. 11.14.2016 Warrant ACH Expenditure Report

Authorization to sign the Warrant Disbursement Register

Ron Carl, County Attorney

Documents:

[11.14.2016 WARRANT ACH EXPENDITURE REPORT.PDF](#)

6.c. C16-022 - Select Source Vendor for Traffic Accident Geo-Location Crash Data

Adoption of a resolution approving the waiver of the Arapahoe County Purchasing Policies for a select source of DiExSys, LLC. for C16-022, Traffic Accident GeoLocation, in an amount not to exceed \$75,000

Bryan Weimer, Division Manager Transportation, Public Works and Development

David Schmit, Director, Public Works and Development

Keith Ashby, Purchasing Manager, Finance

Robert Hill, Senior Assistant County Attorney

Documents:

[C16-022 BOCC CONSENT AGENDA SS SELECT SOURCE FINAL 11-26-16.PDF](#)

[BOCC SIGNED WAIVER GEO CODING 11-21-16.PDF](#)

[C16-022 TRAFFIC ACCIDENT SELECT SOURCE RESOLUTION 11-26-16.PDF](#)

6.d. Adoption of the 2012 Fire Code by Bennett Fire Protection District NO. 7

Adoption of a resolution approving Bennett Fire Protection District's adoption of the 2012 International Fire Code and recognizing that such Fire Code shall be applicable within the Bennett Fire Protection District's boundaries

Steve Byer, Building Division Manager, Public Works and Development

David Schmit, Director, Public Works and Development

Todd Weaver, Budget Manager, Finance

Robert Hill, Senior Assistant County Attorney

Documents:

[BENNETT FIRE 2012 FIRE CODE ADOPTION CONSENT BSR](#)

[11.8.16.PDF](#)

[BENNETT FIRE 2012 FIRE CODE ADOPTION RESOLUTION 11.8.16.PDF](#)

[2012 IFC BENNETT FIRE DISTRICT RESOLUTION 2016-05.PDF](#)

6.e. Board of Assessment Appeals (1 Resolution)

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney

Karen Thompsen, Paralegal, County Attorney's Office

Documents:

[12 DECEMBER 6, 2016.DOC](#)

[SAMPLE BAA RESOLUTION.DOC](#)

6.f. Board of Assessment Appeals (1 Resolution)

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney

Karen Thompsen, Paralegal, County Attorney's Office

Documents:

[12 DECEMBER 6, 2016 2.DOC](#)

[SAMPLE BAA RESOLUTION.DOC](#)

6.g. Cunningham Fire Code Adoption

Adoption of a resolution regarding Cunningham Fire Protection District's adoption of the 2015 International Fire Code and recognizing that such Fire Code shall be applicable within the Cunningham Fire Protection District's boundaries

Steve Byer, Building Division Manager, Public Works and Development

David Schmit, Director, Public Works and Development

Robert Hill, Senior Assistant County Attorney

Documents:

[CUNNINGHAM FIRE 2015 FIRE CODE ADOPTION CONSENT BSR
11.8.16.PDF](#)

[CUNNINGHAM FIRE 2015 FIRE CODE ADOPTION RESOLUTION
11.8.16.PDF](#)

[2015 CUNNINGHAM FIRE RESOLUTION 2016-07.PDF](#)

6.h. Extension of Agreement for Services with Accuracy, Inc., d/b/a Ultramax Ammunition

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Extension of Agreement for Services with Accuracy, Inc., d/b/a Ultramax Ammunition, for a period of one (1) year from January 1, 2017 to December 31, 2017, for the purpose of obtaining ammunition for use by the Arapahoe County Sheriff's Office, pursuant to the terms contained therein

Olga Fajaros, Budget and Logistics Manager, Sheriff's Office

Vince Line, Detention Bureau Chief, Sheriff's Office
Louie Perea, Undersheriff, Sheriff's Office
David C. Walcher, Sheriff
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents:

[ULTRAMAX BSR.DOC](#)
[2017 RESO ULTRAMAX AMMO.DOC](#)
[ULTRAMAX EXTENSION LETTER.PDF](#)

6.i. Extension of the Agreement Between Arapahoe County and Arapahoe District for Inmate Library Services

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Letter of Extension to the Agreement for Services by and between Arapahoe County and Arapahoe Library District for the purpose of providing library services at the Arapahoe County Sheriff's Office Detention Facility, for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$373,569.00, pursuant to the terms contained therein

Olga Fujaros, Budget and Logistics Manager, Sheriff's Office
Vince Line, Detention Bureau Chief, Sheriff's Office
Louie Perea, Undersheriff, Sheriff's Office
David C. Walcher, Sheriff
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents:

[EXTENSION BSR FOR ARAPAHOE LIBRARY 2017.PDF](#)
[2017 EXTENSION LETTER SIGNED BY VENDOR 11.8.16.PDF](#)

6.j. Extension of the Agreement Between Arapahoe County and Neve's Uniforms to Provide Uniforms for the Arapahoe County Sheriff's Office

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Extension of the Agreement for Services by and between Arapahoe County and Neve's Uniforms and Equipment for the purpose of providing uniforms and equipment to the Arapahoe County Sheriff's Office, for the period of November 1, 2016 to October 31, 2017, pursuant to the terms contained therein

Olga Fujaros, Budget and Logistics Manager, Sheriff's Office
Vince Line, Detention Bureau Chief, Sheriff's Office
Louie Perea, Undersheriff, Sheriff's Office
David C. Walcher, Sheriff
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents:

[BSR - 2016 EXTENSION.PDF](#)
[EXTENSION LETTER SIGNED BY VENDOR.PDF](#)

6.k. Fall 2016 Open Space Grant Award Approval

Adoption of a resolution approving the Fall 2016 Open Space Grant proposals funding the four (4) ranked and qualified Trails Grants, totaling \$939,568

Lindsey Miller, Grants Program Administrator, Open Spaces
Josh Tenneson, Grants and Acquisitions Manager, Open Spaces
Shannon Carter, Director, Intergovernmental Relations and Open Spaces
Janet Kennedy, Director, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents:

[BSR_CA_FALL16OSGRANTAWARDS_11.8.16FOR12.6.16DRAFT.PDF](#)
[OSTAB RECOMMENDATION TO BOCC 2016 FALL GRANT CYCLE10.26.16.PDF](#)
[FALL 2016 TRAILS GRANT CYCLE RANKING SHEET FOR OPEN SPACE GRANT PROPOSALS.PDF](#)

7. GENERAL BUSINESS ITEMS

7.a. *PUBLIC HEARING - Adoption of Third Quarter Supplemental Appropriation Resolutions

Consideration of a request to approve the supplemental appropriation resolutions recommended by the Executive Budget Committee and reviewed by the Board of County Commissioners at the study session on November 14th, 2016

Presenter - Todd Weaver, Budget Manager, Finance
Janet Kennedy, Director, Finance
John Christofferson, Deputy County Attorney

Documents:

[BSR- PUBLIC HEARING 3RD QTR 2016.DOCX](#)
[PROPOSED MOTION 3RD QTR SUPPLEMENTAL.DOCX](#)

7.b. *PUBLIC HEARING - Land Development Code Amendment to Chapter 13 - Planned Unit Development Process

Consideration of a request to adopt the revisions to Chapter 13 of the Land Development Code, regarding the Planned Unit Development Process, as presented in the staff report and exhibits

Presenter - Jason Reynolds, Current Planning Program Manager
Jan Yeckes, Planning Division Manager, Public Works and Development
David Schmit, Director, Public Works and Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents:

[W16-002 BSR PUD CHAPTER.PDF](#)
[W16-002 DRAFT MOTIONS.PDF](#)
[W16-002 RESOLUTION.PDF](#)
[EXHIBIT A - PUD CHAPTER REMOVE EAST-WEST LINE.PDF](#)
[EXHIBIT B - PUD CHAPTER - KEEPING EAST-WEST LINE.PDF](#)
[W16-002 PC STAFF REPORT FOR BOCC PACKET.PDF](#)
[REFERRAL AGENCY SUMMARY TABLE.PDF](#)
[EXTERNAL REFERRAL COMMENTS.PDF](#)

8. COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the “General Business” agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

Arapahoe County is committed to making its public meetings accessible to persons with disabilities.

Assisted listening devices are available. Ask any staff member and we will provide one for you.

If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, NOVEMBER 15, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	Commissioner District 1	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Nancy A. Sharpe	Commissioner District 2	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Gail Stumpo	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Doty called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the Agenda as presented.

The motion passed unanimously.

APPROVAL OF THE MINUTES

The motion to approve the minutes from the October 18, 2016 and the October 25, 2016 Public Meeting was made by Commissioner Holen duly seconded by Commissioner Sharpe.

The motion passed unanimously.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Jackson and duly seconded by Commissioner Sharpe to approve the items on the Consent Agenda as presented.

The motion passed unanimously.

Lynn Myers, with South Economic Development Partnership, thanked the Board for approving the incentive agreement for Charter Communications, which is adding almost 800 jobs in Greenwood Village, with an average salary of \$90,000. She thanked the Board.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160673 - W16-001 Land Development Code Amendment to 12-1900 to add Small-Scale Solar Facilities

Diane Kocis, Oil and Gas Specialist, presented the amendment.

There was discussion regarding how the public would be notified of these applications, which would consist of applicants posting signs near the project; owners of adjacent properties would receive notices in the mail.

Ms. Kocis explained why this amendment would promote more solar energy development in the County.

The public hearing was opened.

Jonathan Fitzpatrick thanked the Board for considering this amendment and explained why it would make Arapahoe County more competitive with several other neighboring counties.

The public hearing was closed.

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Jackson In the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-1900, Oil and Gas Facilities, to rename the Section to Energy Facilities and to incorporate new regulations for small-scale solar facilities, the Board of County Commissioners has read the proposed code amendment and the Board Summary Report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated October 26, 2016, and with the Code amendment to

establish an administrative Use by Special Review Process as proposed, and hereby approve the amendment to 12-1900, with the following two (2) conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text and may relocate definitions to Chapter 19.
2. Modifications to Section 12-1900 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners.

The motion passed 5-0.

COMMISSIONER COMMENTS

There were no commissioner comments on this date.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:57 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD

BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD

REPORT FOR 11/01/2016 TO 11/07/2016

FUNDS SUMMARY:

FUNDS SUMMARY:

10 General Fund	2,466,759.95
11 Social Services	529,073.16
14 Law Enforcement Authority Dist	69,490.69
15 Arapahoe / Douglas Works!	131,680.22
16 Road and Bridge	80,333.62
20 Sheriff's Commissary	16,083.34
21 Community Development	48,171.65
26 Grants	175,879.60
28 Open Space Sales Tax	848,463.00
29 Homeland Security - North Cent	28,276.63
33 Building Maintenance Fund	17,496.88
34 Fair Fund	3,200.00
41 Capital Expenditure	20,781.00
43 Arapahoe County Recreation Dis	2,568.00
44 Arap. County Water and Wastewa	250.00
70 Central Services	121,238.35
72 Employee Flexible Benefit	1,860.00
73 Self-Insurance Workers Comp	36,913.83
74 Self-Insurance Dental	49,715.48
91 Treasurer	224,996.02
=====	
TOTAL	4,873,231.42

FUND REPORT - EXPENDITURE TYPE

FUND 10 EXPENDITURE REPORT

ACCOUNT BROKERS INC	MISC.	15.00
ALL MIGHTY BAIL BONDS	MISC.	15.00
AMER AIBAIRAQDAR	MISC.	66.10
AMY BOSSERMAN	Services And Other	94.07
ARAMARK CHICAGO LOCKBOX	Services And Other	2,854.00
ARAMARK CHICAGO LOCKBOX	Supplies	23,405.06
AURORA MENTAL HEALTH CTR	Services And Other	39,000.00
BRIAN BOSTWICK	Services And Other	157.52
CAITLIN MOCK	Services And Other	201.89
CALIFORNIA STATE DISBURSEMENT UNIT	MISC.	52.15
CDW GOVERNMENT	Supplies	2,963.01
CENTURYLINK	Services And Other	285.28
CHRISTOPHER CLARK	Services And Other	111.00
CINDY GARCIA	Services And Other	66.96
CITY OF AURORA	MISC.	1,030.00
CITY OF AURORA	Services And Other	899.03
CLARION ASSOCIATES LLC	Services And Other	20,357.50
CLEAN DESIGNS INC	Services And Other	181.30
COLLEGE ASSIST	MISC.	372.58
COLORADO DEPARTMENT OF REVENUE	MISC.	471.61
COLORADO NATURAL GAS INC	Services And Other	77.61
COLORADO NETWORK CABLING & CCTV LLC	Services And Other	237.00
CREDIT SERVICE COMPANY INC	MISC.	15.00
DANELLE DIGIOSIO	Services And Other	27.11
DANIELLE ARDREY	Services And Other	100.71
DARCY KENNEDY	Services And Other	24.84
DEBBY JO HORNING	Services And Other	64.29

REPORT FOR 11/08/2016 TO 11/14/2016
FUNDS SUMMARY:

FUNDS SUMMARY:		
10 General Fund	1,234,271.73	
11 Social Services	71,068.28	
14 Law Enforcement Authority Dist	5,444.31	
15 Arapahoe / Douglas Works!	88,768.73	
16 Road and Bridge	227,391.27	
20 Sheriff's Commissary	8,727.51	
25 Developmental Disability	2,665.96	
26 Grants	418,340.25	
28 Open Space Sales Tax	38,640.04	
29 Homeland Security - North Cent	9,126.58	
33 Building Maintenance Fund	16,831.57	
34 Fair Fund	10,052.33	
41 Capital Expenditure	67,865.96	
42 Infrastructure	90,846.33	
43 Arapahoe County Recreation Dis	67,516.36	
70 Central Services	9,727.96	
84 E-911 Authority	91,996.96	
91 Treasurer	7,950,943.97	
	=====	
TOTAL	10,410,226.10	

FUND REPORT - EXPENDITURE TYPE
FUND 10 EXPENDITURE REPORT

ABELMAN LAW OFFICES	MISC.	30.00
AMANDA J CRUZ	Services And Other	32.00
AQUA SERVE	Services And Other	166.00
ARAMARK CHICAGO LOCKBOX	Services And Other	3,104.00
ARAMARK CHICAGO LOCKBOX	Supplies	27,166.86
ARAPAHOE WATER AND WASTEWATER	Services And Other	16,678.04
ARAPAHOE/DOUGLAS	Services And Other	23,025.00
Addy Dodd	Services And Other	200.00
Anna McCollum	Services And Other	200.00
Anna Stroeder	Services And Other	200.00
BC SERVICES INC	MISC.	85.00
BETTY WRIGHT	Services And Other	32.00
BLUE SKY PROMOTIONS	Supplies	799.88
BRENDA APODACA	Services And Other	4.44
BRENDA SIMONS	Services And Other	2.79
BRENDA SIMONS	Supplies	6.46
BRIAN BOSTWICK	Services And Other	1,267.60
BRIAN GILPATRICK	Services And Other	184.60
BULTO BENA	MISC.	30.00
Ben Keyser	Services And Other	200.00
Brandon Li	Services And Other	200.00
Brent Cary	Services And Other	200.00
Brianna Martinez	Services And Other	200.00
Bristal Wilson	Services And Other	200.00
CANDACE BRETSCH	Supplies	1,820.00
CAROL A WINTER	Services And Other	140.00
CATHERINE ALANGANA	MISC.	15.00
CDW GOVERNMENT	Services And Other	349.84
CHEMATOK LABORATORY INC	Services And Other	565.00



ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

Board Summary Report

Date: November 26, 2016

To: Board of County Commissioners

Through: David M. Schmit, Director
Public Works

From: Bryan D. Weimer, PWLF, Division Manager
Transportation Division

Subject: **C16-022; TRAFFIC ACCIDENT GEO-LOCATION CRASH DATA; FINALIZE APPROVAL OF SELECT SOURCE OF VENDOR TO PERFORM WORK**

REQUEST AND RECOMMENDATION

This Board of County Commissioner Consent Agenda Item is a request to finalize approval of a select source consultant to attain the services of a specific vendor, in this case, DiExSys LLC., associated with use of a 405c Grant for geo-coding the County's crash records. The BOCC gave concurrence during a Drop-in Study Session held on November 21, 2016. The services consist of geolocation coding of existing and pending accident data to allow County Staff to research and analyze the data and produce reports and plans.

LINKS TO ALIGN ARAPAHOE

Service First –

The County currently receives crash data from the Colorado Department of Transportation (CDOT), but such data is not geo-coded to a linear reference system. The location of crash data along a roadway corridor allows for specific identification of crash type, causes, and assists in the development of counter-measures to address accident trends for reducing accidents in the County.

Quality of Life –

Decreasing crashes, their severity, and elimination of fatalities is the goal of Arapahoe County Public Works, which improves the quality of life for the citizens of Arapahoe County with a safer driving situation on the County's roadway network.

Fiscal Responsible –

This work is funded using a 405c Grant, in which Arapahoe County Public Works applied for and received. The County is able to leverage its funding through the use of this grant and allows the County to perform this work at a very cost effective manner.

BACKGROUND

The services consist of geolocation coding of existing and pending accident data to allow County Staff to research and analyze the data and produce reports and plans. The County uses the

Vision Zero Suite Software from DiExSys to analyze crashes and DiExSys is in the unique position of having the skills and experience to perform this service efficiently, with a high degree of quality, and in such a manner as to make the data easily usable with their diagnostic and pattern recognition software, Vision Zero Suite (VZS). Which software, the County is now utilizing regularly, and expects to use even more in the future.

The Arapahoe County Public Works Department applied for and received a 405c Grant administered by CDOT. The CDOT recommendation for award was confirmed by FHWA. The estimated cost of the services is estimated to be between \$65,000 to \$75,000, with the Grant covering \$53,000 of this cost.

The request for select source consideration was presented to the BOCC during a Drop-in Study Session on November 21, 2016, at which time the BOCC concurred with the use of select source consultant for this project. This consent action will finalize the approval of the use of a select source.

DISCUSSION

Explanation

Arapahoe County desires to provide the safest roadway infrastructure available to it users. At present, approximately 200 miles of County Roads in unincorporated Arapahoe County with functional classifications of collector and above do not have a linear referencing system and there is over 3000 crash records (2010-2014) on County Roads in Arapahoe County that do not have coordinates to identify the exact location of accidents. Incomplete or missing crash location information in the crash data obscures crash causality and may lead to the construction of inappropriate counter-measures or to not addressing safety problems susceptible to cost-effective correction. To address this problem Arapahoe County Transportation Division has applied for and was recently awarded the 405C Grant by CDOT. Under this Grant, the Arapahoe County Transportation Division will develop sustainable methodology for identifying and recording crash locations on collectors and above in Arapahoe County. This will be accomplished by:

- Cleansing accident data and Geocoding Crashes that have No Coordinate Information for 2010, 2011, 2012, 2013, 2014, and;
- Developing and implementing a Linear Referencing System (LRS) for county roads in Arapahoe County for the functional class of collector and above.
- Depict the data in a layer of the County's GIS system.
- Develop a methodology for geo-coding future traffic crash data for subsequent years

Time Constraints

As discussed above, DiExSys has unique expertise that allows them to complete geocoding of the County's accident data efficiently and quickly, and with seamless integration to the VZS software. The 405c Grant is administered by CDOT's Traffic Engineering and Safety Branch, and is required to be expended in the current federal fiscal year, that is by 6/30/2017. Given the magnitude of work and desire to utilize grant funding, it is in the County's best interest to utilize DiExSys to provide the services described herein in a timely and efficient manner.

Select Source Justification

Involving other vendors in this effort would require a significant learning curve and introduce considerable risks to the schedule and budget. Also, extreme coordination with

DiExSys to ensure data is adequately integrated with VZS software. In order to reduce the risk to successfully completing this project within timeframe and budget allowed by the grant, the Transportation Division will retain the services of DiExSys LLC team with FHU as a sub. DiExSys, a Colorado based Company, is the original developer of VZS and FHU has a long history of working successfully as subcontractor to DiExSys on similar projects in Colorado and other States. Because of the vast experience and expertise of DiExSys' founders and staff, their firm has far superior ability to cleanse and enhance Colorado accident data efficiently. They have done so for other metro agencies, and can tailor the results to be utilized with the VZS software. It should be noted that VZS is the only software available that provides the in depth analysis, evaluation, and cost/benefit analysis of crashes and various solutions to reduce crashes at accident locations.

The Colorado Department of Transportation has also indicated that utilizing a select source is within the terms of the 405c Grant and the County will be reimbursed for 80% of the cost of the project up to \$53,000. See the email from the CDOT grant administrator.

The Staff of the Transportation Division of Arapahoe County's Public Works and Development section have been using VZS for over a year and it is integrated in day-to-day processes. VZS is the only software available to provide such in depth accident analysis. It is also utilized by the Colorado Department of Transportation (CDOT) statewide, several metro area cities and counties, and numerous other state departments of transportation. CDOT uses this software for allocation of safety grant funding, which puts the County in a unique position of evaluating potential safety projects before submitting them to CDOT.

FUNDING SOURCE

Acquisition of these services will be entirely funded by the 405c Grant awarded to Arapahoe County by CDOT Traffic and Safety and Arapahoe County match. The County will contract the services and will be reimbursed up to \$53,000 from the 405c Grant. The cost of these professional services are estimated to be between \$65,000 and \$75,000, which will be finalized via final scope and fee negotiations with DiExSys if the Select Source request is approved. Funding for this request is available in the following cost center and account:

164511340-54360	Professional Services	\$ 65,000 to \$75,000
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Note: A separate action awarding an addendum with DiExSys for the work will encumber the funds.

STAFF RECOMMENDATIONS

The Staff of the Transportation Division of Arapahoe County's Public Works and Development recommends the use of DiExSys as a select source vendor to provide geo-coding of crash data and a methodology for future accidents, so that it can be used in the Vision Zero Suite software used by County Staff in the analysis of such crash data.

Staff has also coordinated this request with the Arapahoe County Purchasing Manager and he supports this request and the justification for a select source selection of DiExSys to perform the geo-coding of the crash data within unincorporated Arapahoe County.

The BOCC concurred with the recommendation for use of a Select Source Vendor in a BOCC Drop-in Study Session on November 21, 2016.

ATTORNEY COMMENTS

The Arapahoe County Attorney's Office has reviewed this Consent Agenda topic and this report and has no particular comments at this point.

REVIEWED BY

Arapahoe County Public Works has reviewed the staff report and recommendations.

cc: Board of County Commissioners
David M. Schmit, Director
Keith Ashby, Purchasing Manager
Brian R. Love, CIP Manager
Arthur Negretti, CIP Engineer III
Jerry D. Maschka, Traffic Operation Manager
Jake Kononov, DiExSys
File (C16-022)
File (BOCC Agenda)
Reader



WAIVER OF PURCHASING POLICIES

WAIVER OF SOLICITATION ☐ WAIVER OF QUOTE ☐
SELECT SOURCE ☒ FOR INFORMATION ONLY ☐

DESCRIPTION OF PROJECT: Geo-Coding Accident Data

PRICE: \$66,300 ANNUAL MAINTENANCE: \$ 0

FIXED ASSET Yes ☐ No ☒ FIXED ASSET #

COST CENTER # G/L # IO #

JUSTIFICATION (Provide Vendor name, How were they selected, Why requesting to waive purchasing policy process): Please see attached memo

Bryan Weiper, Bryan Driscoll
Requestor Name, Signature & Telephone Number

11/3/16
Date

[Signature]
Elected Official/Department Head

11/5/16
Date

[Signature] CPD
Purchasing Manager

11/7/16
Date

Comments: _____

Waiver approved, BoCC Reso #140221. Requestor to proceed with PO

Yes ☐ No ☐

Requestor to schedule BoCC Drop In & Create Board Summary Report

Yes ☒ No ☐

Janet Kennedy, Director of Finance (not to exceed \$100,000)

_____ Date

Nancy Jacks
BOCC, Chair

11/21/16
Date

Requestor to schedule BoCC Consent Agenda & Board Summary Report

Yes ☐ No ☐

Resolution # _____

Per BoCC Resolution #140221 of 4/8/14, Purchasing Manager has authorization for sole approval up to \$25,000 plus exemptions to Policy


Revised 5/19/16



Public Works and Development

MEMORANDUM

TO: Keith Ashby
Purchasing Manager

FROM: Bryan D. Weimer, PWLF, Division Manager
Transportation Division 

DATE: November 3, 2016

**SUBJECT: C16-022: TRAFFIC ACCIDENT GEOLOCATING ACCIDENT DATA;
PURCHASING CONCURRENCE OF SELECT SOURCE
VENDOR**

This memorandum is pursuant to our discussion related to a select source justification needed to attain the services of a specific vendor, in this case, DiExSys LLC., associated with use of a 405c Grant for geocoding the County's crash records. The services consist of geolocation coding of existing and pending accident data to allow County Staff to research and analyze the data and produce reports and plans. The County uses the Vision Zero Suite Software from DiExSys to analyze crashes and DiExSys is in the unique position of having the skills and experience to perform this service efficiently, with a high degree of quality, and in such a manner as to make the data easily usable with their diagnostic and pattern recognition software, Vision Zero Suite (VZS). Which software, the County is now utilizing regularly, and expects to use even more in the future.

EXPLANATION

Arapahoe County desires to provide the safest roadway infrastructure available to its users. At present, approximately 200 miles of County Roads in unincorporated Arapahoe County with functional classifications of collector and above do not have a linear referencing system and there is over 3000 crash records (2010-2014) on County Roads in Arapahoe County that do not have coordinates to identify the exact location of accidents. Incomplete or missing crash location information in the crash data obscures crash causality and may lead to the construction of inappropriate counter-measures or to not addressing safety problems susceptible to cost-effective correction. To address this problem Arapahoe County Transportation Division has applied for and was recently awarded the 405C Grant by CDOT. Under this Grant, the Arapahoe County Transportation Division will develop sustainable methodology for identifying and recording crash locations on collectors and above in Arapahoe County. This will be accomplished by:

- Cleansing accident data and Geocoding Crashes that have No Coordinate Information for 2010, 2011, 2012, 2013, 2014, and;

C16- : 405c Grant Select Source Mem 11-3-16

WAIVER OF BID

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to waive the formal bid requirements as set forth in the Arapahoe County Purchasing Policies for the use of a select source vendor with DiExSys, LLC. for C16-022; Traffic Accident Geo-Location, in an amount not to exceed \$75,000, An addendum with DiExSys to perform the work will be executed under a separate action by the Director of Public Works.

The vote was:

Commissioner Bockenfeld, ____; Commissioner Doty, ____; Commissioner Holen, ____;
Commissioner Jackson, ____; Commissioner Sharpe, ____.

The Chair declared the motion carried and so ordered.



Board Summary Report – Consent Item

Date: November 8, 2016

To: Board of County Commissioners

Through: Dave Schmit, Director Public Works and Development

From: Steven Byer, Building Division Manager

Subject: Adoption of the 2012 Fire Code by Bennett Fire Protection District NO 7

Information

It is requested that the Board consider and approve a resolution regarding Bennett Fire Protection District's adoption of the 2012 International Fire Code and recognizing that such Fire Code shall be applicable within the Bennett Fire Protection District's boundaries, to occur at the December 8, 2016 Board of County Commissioners' meeting. However, in recognizing the District's adoption of the Code, the BOCC does not assume any responsibility for enforcement of the Fire code.

Request and Recommendation

Representatives from Bennett Fire Protection District will be present for recognition of their adoption of the 2012 International Fire Code to the Board, pursuant to the requirements of County Resolution 1804-89. As Building Official and Division Manager, I have been asked by the Fire District to help facilitate this meeting and agenda request.

Background

Bennett Fire Protection District currently is one of several fire districts that provides fire protection services to the citizens of Arapahoe County. The County continues to collaborate with the various fire districts to standardize code interpretations, plan reviews and inspections, as well as uniformity in code adoption practices and procedures.

Links to Align Arapahoe

Quality of Life – Adopting updated codes to maintain and improve the safety of the built environment.

Discussion

Pursuant to Arapahoe County's Resolution 1804-89 and C.R.S 1973 32-1-1002(1)(d), Bennett Fire Protection District may adopt and enforce the Fire Code, provided that the Board of County Commissioners passes a resolution stating that such Fire Code shall be applicable within the District's boundaries in the unincorporated area of Arapahoe County. The District is now requesting that the Board pass a resolution recognizing their adoption of the 2012 edition of the International Fire Code as

described and amended in the attached District resolution, and approving the application of this Fire Code within the boundaries of the Bennet Fire Protection District. However, in approving the application of the Fire Code within the District boundaries, and in accordance with Arapahoe County Resolution 1804-89, the BOCC need not assume any responsibility for enforcement of the Fire Code. In prior resolutions approving District Fire Codes, the BOCC declined any responsibility for enforcement of the Codes, leaving that up to the particular Fire Protection District. It is recommended that the BOCC continue that policy and not assume any responsibility for enforcement of this fire code within the Bennett Fire Protection District. This designation of enforcement responsibility to the District is set forth the draft resolution prepared for this Board.

Fiscal Impact

None for the County – this District already assesses their own fees for plan reviews and permits.

Attorney Comments

No comments from legal at this time

Reviewed By:

Dave Schmit, PWD Director
Todd Weaver, Finance Department
Robert Hill, Assistant County Attorney

Steven Byer, Building Division Manager

Robert Hill, Assistant County Attorney

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following resolution:

WHEREAS, the Bennett Fire Protection District NO. 7 (hereinafter "District") has adopted the 2012 edition of the International Fire Code; and

WHEREAS, the District's boundaries include portions of unincorporated Arapahoe County; and

WHEREAS, §32-1-1002(1)(d), C.R.S. provides that no fire code shall apply within the unincorporated portion of any county unless the governing body of such county adopts a resolution stating such code or specific portions thereof shall be applicable within the fire protection district's boundaries; and

WHEREAS, the District has requested that the Board of County Commissioners adopt the above-referenced resolution in regard to the applicability of the 2012 edition of the International Fire Code within the District's boundaries; and

WHEREAS, it is in the interest of the citizens of Arapahoe County that fire protection districts be able to exercise their powers in the adoption and enforcement of fire codes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the 2012 edition of the International Fire Code, as published by the International Code Council, save and except such portions as are hereinafter deleted, modified or amended, as provided and adopted by Bennett Fire Protection District NO. 7, shall be applicable within the Bennett Fire Protection District's boundaries, subject to the following:

- a. It shall be the sole and exclusive responsibility of the Bennett Fire Protection District NO. 7 to enforce the 2012 edition of the International Fire Code.
- b. The approval of the 2012 edition of the International Fire Code shall not supersede, amend, waive or otherwise affect the Arapahoe County Building Code or any other County regulation or ordinance. In the event of any conflict between the 2012 edition of the International Fire Code and said County codes, regulations and ordinances, the County codes, regulations and ordinances shall take precedence over said Fire Code.

The vote was:

Commissioner Doty, ____; Commissioner Bockenfeld, ____; Commissioner Jackson, ____; Commissioner Sharpe, ____; and Commissioner Holen, ____.

The Chair declared the motion so carried.

BENNETT FIRE PROTECTION DISTRICT NO. 7

RESOLUTION NO. 2016-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BENNETT FIRE PROTECTION DISTRICT NO. 7 ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS THERETO, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION, THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFORE AND PROVIDING PENALTIES FOR THE VIOLATIONS OF THE CODE.

WHEREAS, the Bennett Fire Protection District No. 7 (the “District”) is a special district and political subdivision of the state of Colorado, formed pursuant to Section 32-1-101, *et. seq.*, C.R.S. (the “Special District Act”) to provide fire suppression, fire prevention, rescue, hazardous materials, ambulance and emergency medical; services; and

WHEREAS, Section 32-1-1002(1)(d), C.R.S. authorizes the Board of Directors of the District (the “Board”) to adopt and enforce fire codes within the District’s jurisdiction, provided however, no such fire code shall apply within any municipality or the unincorporated portion of any county unless the municipal or county governing body adopts a resolution or ordinance stating that such fire code or specific portions thereof shall be applicable within the fire protection district’s boundaries; and

WHEREAS, the Board of Directors (“Board”) of the District finds and determines that it is in the best interest of the residents, taxpayers, and visitors of the District to maintain adequate and updated regulations by means of adopting by reference the 2012 edition of the International Fire Code for application within the District for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants and property owners of the District; and

WHEREAS, the Board desires to adopt by reference the 2012 edition of the International Fire Code in its entirety, except as modified herein, to protect the safety and welfare of the citizens of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BENNETT FIRE PROTECTION DISTRICT NO. 7 OF ADAMS AND ARAPAHOE COUNTIES, COLORADO, AS FOLLOWS:

1. ADOPTION OF FIRE CODE. The 2012 edition of the International Fire Code, with appendices: Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix D, Fire Apparatus Access Roads; Appendix E, Hazard Categories; and Appendix F, Hazard Ranking, with the Local Amendments set forth in Exhibit A, the specific additions, insertions, deletions and changes, if any, set forth in paragraphs 3, 4, and 5 of this Resolution, is hereby adopted as the Fire Code for the District for all purposes.

2. CODE DESCRIBED. The International Fire Code, 2012 edition, is published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001.

3. ADAMS COUNTY STIPULATIONS. The Fire Code adopted pursuant to this Resolution is modified within unincorporated Adams County, as follows:

A. Adams County Ordinance No. 4 and Resolution No. 2015-375 (collectively, the “Adams County Ordinances”).

B. Except as set forth in this Section 3, in the event of a conflict between this Resolution and the Adams County Ordinances, the Adams County Ordinances shall control.

4. TOWN OF BENNETT STIPULATIONS. The Fire Code adopted pursuant to this Resolution is modified within the Town of Bennett jurisdictional boundaries, as follows:

A. Article V of Chapter 18 of the Town of Bennett Municipal Code (“Bennett Ordinance”).

B. Except as set forth in this Section 4, in the event of a conflict between this Resolution and the Bennett Ordinance, the Bennett Ordinance shall control.

5. ARAPAHOE COUNTY STIPULATIONS. The Fire Code adopted pursuant to this Resolution:

A. Is modeled after the Uniform Fire Code and is intended to be uniform generally with other fire districts within Arapahoe County;

B. Is in conformance with State statutes;

C. Shall not conflict with the Arapahoe County Building Code or other County resolutions and ordinances, and as they may be amended from time to time;

D. Does not provide for general police powers for the District's fire officials, but rather sets forth rules, standards, and procedures by and under which the District's fire officials will exercise the powers conferred by State law.

6. AMENDMENTS. The 2012 International Fire Code is revised as amended in **Exhibit A**, attached hereto and incorporated herein.

7. ADMINISTRATION.

A. The Fire Code shall be administered and enforced by the District's Fire Chief, or his/her authorized representative, as required by and provided for in the Special District Act, and any other applicable federal, state or local laws, rules, or ordinance.

B. The District's Fire Marshal, for the purpose of enforcing the Fire Code, is an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representative if the Fire Chief deems it necessary for the effective enforcement of the Fire Code.

C. Nothing contained in this Resolution shall be construed as modifying or limiting in any manner the powers, duties, and responsibilities of the District, and the District's Fire Chief or his/her authorized representative(s), set forth in the Special District Act, or as otherwise provided by law.

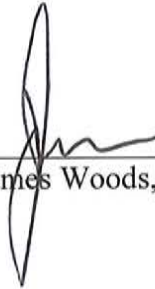
D. The Fire Code shall be interpreted in conformance with all federal, state, and local laws and ordinances, including but not limited to the Special District Act and all applicable Adams County, Arapahoe County or Town of Bennett building codes, regulations and ordinances.

8. SEVERABILITY CLAUSE. If any part, section, subsection, sentence, clause or phrase of this Resolution or the Fire Code as adopted and amended herein, is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Resolution or the Code. The Board hereby declares that it would have passed this Resolution, the Code, the Appendices and each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

9. EFFECTIVE DATE. This Resolution and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption.

10. REPEALER. The District's Fire Code(s) currently in force in the District's jurisdiction, and previously approved, shall remain in full force and effect until the effective date of the Fire Code herein adopted, at which time all resolutions or parts thereof in conflict with this Resolution are hereby repealed, provided that this section shall not repeal the repealer clauses of any prior resolutions or hereby revive any ordinances or resolutions previously repealed.

ADOPTED THIS 14 DAY OF July, 2016, AT A REGULAR
MEETING OF THE BOARD OF DIRECTORS OF THE BENNETT FIRE
PROTECTION DISTRICT NO. 7.



James Woods, President

ATTEST:



Steve Dambroski, Secretary

EXHIBIT A

LOCAL AMENDMENTS

The following sections of the 2012 International Fire Code are hereby revised by the addition of the words underlined and the deletion of the words stricken:

A. CHAPTER 1 ADMINISTRATION

Section 101.1, insert: Bennett Fire Protection District No. 7.

Section 102.5, modify as follows:

Section 102.5 Application of residential code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access, and water supplies. ~~Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.~~ Where this code addresses fire sprinklers in residential occupancies, it refers to residential occupancies constructed pursuant to both the International Building Code and the International Residential Code. Construction permits for systems and equipment utilized in the interior or exterior of the structure shall also apply.
EXCEPTION: Dwelling unit fire sprinkler systems, or portions thereof, installed in accordance with Section P2904 of the 2012 International Residential Code do not require a permit. Nevertheless, dwelling unit fire sprinkler systems, or portions thereof, installed in accordance with NFPA 13D require a permit pursuant to Section 105.7.1 of this code.

2. Administrative, operational, and maintenance provisions: All such provisions of this code shall apply.

References in this code to Group R-3 or U occupancies or one-and two family dwellings shall apply to structures under the scope of the International Residential Code where appropriate.

Subsection 102.7, modify as follows:

Subsection 102.7, Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Where this code refers to the ICC Electrical Code, it

means the latest edition of the National Electrical Code adopted by the State of Colorado.

Subsection 105.4.1, modify as follows:

105.4.1 Submittals. Construction documents shall be submitted in ~~two~~one or more sets ~~with each application for a permit~~ and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional ~~where required by the statutes of the jurisdiction in which the project is to be constructed~~ when said documents are submitted in support of an application for a construction permit required by Sections 105.7.1, 105.7.3, 105.7.6, 105.7.7, 105.7.9, 105.7.15, 105.7.17. When requested, qualification statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with the professional qualifications defined in Section 202.

Exception: The *fire code official* is authorized to waive the submission of *construction documents* and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

Subsection 105.7.6, modify as follows:

105.7.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment, including emergency alarm systems (Section 908) and smoke control systems (Section 909). Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Add a new subsection, 105.7.17, as follows:

105.7.17 Explosion control. A construction permit is required to install or modify explosion control provided as required in Section 911 of this code.

Section 108.1, modify as follows:

108.1 Board of Appeals Established. In order to hear and decide *appeals* of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a *board of appeals*. The *board of appeals* shall be appointed by ~~the governing body~~ the Board of Directors and shall hold office at its pleasure. Whenever the fire code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent

method of protection or safety is proposed, the applicant may appeal the decision of the fire code official to the designated Board of Fire Code Appeals within thirty (30) days from the date the decision being appealed was made. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 109.4, modify as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and 32-1-1002, C.R.S. ~~guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4, modify as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with Section 32-1-1001 and 32-1-1002, C.R.S. ~~of not less than [AMOUNT] or more than [AMOUNT] dollars.~~

B. CHAPTER 2 DEFINITIONS

Section 202, modify by adding the following:

Section 202 General definitions.

REGISTERED DESIGN PROFESSIONAL. An engineer, licensed to practice professional engineering, as defined by the statutory requirements of the professional licensure laws of the State of Colorado, who shall be responsible and accountable to possess the required knowledge and skills to perform design, analysis, and verification in accordance with provisions of this code and applicable professional standards of practice.

C. CHAPTER 5 FIRE SERVICE FEATURES

Section 503.2.1, modify as follows:

Section 503.2.1, Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty feet ~~(6096 mm) exclusive of shoulders, except for approved security gates in accordance with Section 503.6,~~ and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches.

Section 503.2.2, modify as follows:

Section 503.2.2, Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations. The fire code official shall have the authority to reduce minimum access widths and vertical clearances based on the size of fire department's apparatus.

Subsection 504.3, modify as follows:

504.3 Stairway access to roof. New buildings four or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof. When an exit enclosure is required by Section 1022, the stairway to the roof shall be located within an exit enclosure. Stairway access to the roof shall be in accordance with Section 1009.13. Such stairway shall be marked at street and floor levels with a sign indicating that the stairway continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as requires for such occupancy classification.

Add a new section, 511, as follows:

Section 511. Recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots. Recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots shall provide and maintain access roads and fire hydrants in accordance with Section 503 and 507.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways, as determined by the fire code official.

D. CHAPTER 6 BUILDING SERVICES AND SYSTEMS

Add a new section, 603.10, as follows:

603.10 Carbon monoxide alarm and detector maintenance, inspection, and testing. The building owner shall be responsible to maintain all carbon monoxide alarms and detectors in an operable condition at all times. Maintenance, inspection, and testing shall be performed in accordance with

manufacturer's instructions or nationally recognized standards. A written record shall be maintained and shall be made available to the fire code official upon request.

Subsection 605.11.3, Access and pathways, modify as follows:

605.11.3.2 Residential systems for Group R-3 buildings. Access to residential systems for ~~one-and-two-family dwellings~~ Group R-3 buildings shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4.

605.11.3.3 Other than residential buildings. Access to systems for occupancies other than ~~one-and-two-family dwellings~~ Group R-3 buildings shall be provided in accordance with Section 605.11.3.3 through 605.11.3.3.3.

EXCEPTION: Where it is determined by the fire code official that the roof configuration is similar to that of ~~one-and-two-family dwellings~~ Group R-3 buildings, the residential access and ventilation requirements in Sections 605.11.3.2.1 through 605.11.3.2.4 shall be permitted to be used.

E. CHAPTER 9 FIRE PROTECTION SYSTEMS

Section 903.2.5.1, modify as follows:

Section 903.2.5.1 General. An approved automatic sprinkler system shall be provided ~~in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.~~

903.2.5.1 General. throughout all buildings containing Group H occupancy.

Add a new subsection, 903.2.6.1, as follows:

903.2.6.1 Group I-1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities.

EXCEPTION: An automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be provided throughout Group I-1 facilities that meet the federal Fair Housing Act definition of senior housing or housing for older persons.

Section 903.2.8, modify as follows:

Section 903.2.8, Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a

Group R fire area.

EXCEPTION 1: An automatic sprinkler system need not be installed in detached one and two-family homes.

EXCEPTION 2: An automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be provided throughout all Group R-2 occupancies that meet the federal Fair Housing Act definition of senior housing or housing for older persons.

Subsection 903.2.11.1.3, modify as follows:

Subsection 903.2.11.1.3, Basements. Where any portion of a basement is located more than 75 feet (22860 mm) from openings required by Section 903.2.11.1, ~~or where walls, partitions or other obstructions are installed that restrict the application of water from hose streams,~~ the basement shall be equipped throughout with an approved automatic sprinkler system.

F. CHAPTER 56 EXPLOSIVES AND FIREWORKS

Section 5601.1.3, delete and restate as follows:

Section 5601.1.3, Fireworks. The possession, manufacture, storage, sale, handling or use of fireworks are prohibited, except as allowed by federal, state and local law.

G. CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Subsection 5704.2.9.6.1, modify as follows:

Subsection 5704.2.9.6.1, Locations where above-ground tanks are allowed. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi) allowed when such storage complies with Sections 5704.2.9.6.1 through 5704.2.9.6.3.



Board Summary Report

Date: November 17, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket numbers have been stipulated to for the tax year(s) indicated below.

Tax Year	Docket #	Property Owner	Property Address	Code	Original Value	Stipulated Value
2016	69565	Jordan Property Company LLC	14301 East Arapahoe Road	1.	\$15,960,000	\$13,440,000
2016	69553	Aragon 2014/Waterfield Court LLC	3111 South Truckee Court and 3396 South Uravan Street	1.	\$56,645,600	\$52,621,788

Code

1. 2016 value matches 2015 stipulation.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompson, Paralegal

RESOLUTION NO. 160XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
-----------------	-----------------------	-----------------

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ;
Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: November 23, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket numbers have been stipulated to for the tax year(s) indicated below.

Tax Year	Docket #	Property Owner	Property Address	Code	Original Value	Stipulated Value
2016	69569	Starr Bridge Promenade LLC	108 South Sable Boulevard and 220 South Sable Boulevard	1.	\$45,479,000	\$41,296,000
2016	69570	TCR Southcreek LP	15611 East Jamison Drive	2.	\$22,800,200	\$20,160,000
2016	69631	Castle-Prim LLC & Stone Ridge Capitol LLC	Vacant Land	3.	\$2,345,378	\$1,885,452

Code

1. 2015 value prorated from \$45,479,000 (511 units @\$89,000/unit) to \$44,741,381 due to demolition during 2015 which reduced total units to 464. For 2016 total of 464 units @\$89,000/unit=\$41,296,000.
2. 2016 value matches 2015 stipulation.

3. Comparable market sales indicate that adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompson, Paralegal

RESOLUTION NO. 160XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
-----------------	-----------------------	-----------------

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ;
Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report – Consent Item

Date: November 8, 2016

To: Board of County Commissioners

Through: Dave Schmit, Director, Department of Public Works and Development

From: Steven Byer, Building Division Manager

Subject: Adoption of the 2015 Fire Code by Cunningham Fire Protection District

Information

It is requested that the Board consider and approve a resolution regarding Cunningham Fire Protection District's adoption of the 2015 International Fire Code and recognizing that such Fire Code shall be applicable within the Cunningham Fire Protection District's boundaries, to occur at the December 8, 2016 Board of County Commissioners' meeting. However, in recognizing the District's adoption of the code, the BOCC does not assume any responsibility for enforcement of the Fire Code.

Request and Recommendation

Representatives from Cunningham Fire Protection District will be present for recognition of their adoption of the 2015 International Fire Code to the Board, pursuant to the requirements of County Resolution 1804-89. As Building Official and Division Manager, I have been asked by the Fire District to help facilitate this meeting and agenda request.

Background

Cunningham Fire Protection District currently is one of several fire districts that provides fire protection services to the citizens of Arapahoe County. The County continues to collaborate with the various fire districts to standardize code interpretations, plan reviews and inspections, as well as uniformity in code adoption practices and procedures.

Links to Align Arapahoe

Quality of Life – Adopting updated codes to maintain and improve the safety of the built environment.

Discussion

Pursuant to Arapahoe County's Resolution 1804-89 and C.R.S 1973 32-1-1002(1)(d), Cunningham Fire Protection District may adopt and enforce the Fire Code, provided that the Board of County Commissioners passes a resolution stating that such fire Code shall be applicable within the District's boundaries in the unincorporated area of Arapahoe County. The District is now requesting that the Board pass a resolution recognizing their adoption of the 2015 edition of the International Fire Code as

described and amended in the attached District resolution, and approving the application of this Fire Code within the boundaries of the Cunningham Fire Protection District. However, in approving the application of the Fire Code within the District boundaries, and in accordance with Arapahoe County Resolution 1804-89, the BOCC need not assume any responsibility for enforcement of the Fire Code. In prior resolutions approving District Fire Codes, the BOCC declined any responsibility for enforcement of the Codes, leaving that up to the particular Fire Protection District. It is recommended that the BOCC continue that policy and not assume any responsibility for enforcement of this fire code within the Cunningham Fire Protection District. This designation of enforcement responsibility to the District is set forth the draft resolution prepared for this Board.

Fiscal Impact

None for the County – this District already assesses their own fees for plan reviews and permits.

Attorney Comments

No comments from legal at this time

Reviewed By:

Dave Schmit, PWD Director
Todd Weaver, Finance Department
Robert Hill, Assistant County Attorney

Steven Byer, Building Division Manager

Robert Hill, Assistant County Attorney

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following resolution:

WHEREAS, the Cunningham Fire Protection District (hereinafter “District”) has adopted the 2015 edition of the International Fire Code; and

WHEREAS, the District’s boundaries include portions of unincorporated Arapahoe County; and

WHEREAS, §32-1-1002(1)(d), C.R.S. provides that no fire code shall apply within the unincorporated portion of any county unless the governing body of such county adopts a resolution stating such code or specific portions thereof shall be applicable within the fire protection district’s boundaries; and

WHEREAS, the District has requested that the Board of County Commissioners adopt the above-referenced resolution in regard to the applicability of the 2015 edition of the International Fire Code within the District’s boundaries; and

WHEREAS, it is in the interest of the citizens of Arapahoe County that fire protection districts be able to exercise their powers in the adoption and enforcement of fire codes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the 2015 edition of the International Fire Code, as published by the International Code Council, save and except such portions as are hereinafter deleted, modified or amended, as provided and adopted by Cunningham Fire Protection District, shall be applicable within the Cunningham Fire Protection District’s boundaries, subject to the following:

- a. It shall be the sole and exclusive responsibility of the Cunningham Fire Protection District to enforce the 2015 edition of the International Fire Code.
- b. The approval of the 2015 edition of the International Fire Code shall not supersede, amend, waive or otherwise affect the Arapahoe County Building Code or any other County regulation or ordinance. In the event of any conflict between the 2015 edition of the International Fire Code and said County codes, regulations and ordinances, the County codes, regulations and ordinances shall take precedence over said Fire Code.

The vote was:

Commissioner Doty, ____; Commissioner Bockenfeld, ____; Commissioner Jackson, ____; Commissioner Sharpe, ____; and Commissioner Holen, ____.

The Chair declared the motion so carried.

CUNNINGHAM FIRE PROTECTION DISTRICT

RESOLUTION NO. 2016-07

A RESOLUTION ADOPTING THE INTERNATIONAL FIRE CODE, 2015 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH CERTAIN AMENDMENTS THERETO, IN ORDER TO ESTABLISH MINIMUM REGULATIONS THAT PROMOTE FIRE SAFETY AND SAFEGUARD LIFE AND PROPERTY FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES AND PREMISES; TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS; AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE

WHEREAS, the Cunningham Fire Protection District ("District") is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1002(1)(d), C.R.S., the District is authorized to adopt and enforce fire codes, but no such code shall apply within any municipality or the unincorporated portion of any county unless the governing body of such municipality or county adopts a resolution stating that such code shall be applicable within the District's boundaries; and

WHEREAS, the Board of Directors ("Board") of the District hereby finds and determines that it is in the best interest of the residents, taxpayers, and visitors of the District to maintain adequate and updated regulations by means of adopting by reference the 2015 edition of the International Fire Code, as modified herein, for application within the District for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the residents, taxpayers, and visitors of the District; and

WHEREAS, the Board desires to adopt by reference the 2015 edition of the International Fire Code in its entirety, except as modified herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cunningham Fire Protection District as follows:

1. **Adoption of Fire Code.** That a certain document, three (3) copies of which are on file in the District's business office, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapters B, C, D, E, F, G, H, I, and K, as published by the International Code Council, be and is hereby adopted as the

Fire Code of the District, in the State of Colorado regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this Resolution, with the additions, insertions, deletions and changes, if any, prescribed in Sections 2, 3, 4 and 5 of this Resolution.

2. **Arapahoe County Stipulations.** The Fire Code adopted pursuant to this Resolution:

(a) is modeled after the Uniform Fire Code and is intended to be uniform generally with other fire districts within Arapahoe County;

(b) is in conformance with State statute;

(c) shall not conflict with the Arapahoe County Building Department or other County resolutions and ordinances, as they may be amended from time to time; and

(d) does not provide for general police powers for the District's fire officials, but rather sets forth rules, standards, and procedures by and under which the District's fire officials will exercise the powers conferred by State law.

3. **Applicability within the City of Centennial.** The Fire Code of the District shall not apply within the City of Centennial unless the City Council adopts a resolution stating that such code shall be applicable.

4. **Amendments.** That the following sections are hereby revised by the addition of the words underlined and the deletion of the words stricken:

CHAPTER 1

Section 101.1, insert: Cunningham Fire Protection District

Section 102.7, add the following new provision:

Section 102.7.3. Current edition of NFPA standards. When the code references National Fire Protection Association (NFPA) Standards, the District shall reference the most current edition of the standard.

Section 103, modify the title as follows:

~~DEPARTMENT OF FIRE PREVENTION~~ FIRE PREVENTION BUREAU

Section 103.1, modify as follows:

103.1 General. The ~~department of fire prevention~~ fire prevention bureau is established within the jurisdiction under the direction of the fire code official and shall consist of fire department personnel assigned thereto by the fire code official. The function of the ~~department~~ bureau shall be the implementation, administration and enforcement of the provisions of this code.

Section 105.6, modify as follows:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 to ~~105.6.48~~ 105.6.50.

Section 105.6, add the following new provisions:

105.6.49 Retail Fireworks Sales. An operational permit is required to conduct the retail sales of fireworks within an existing building, tent, canopy or temporary structure.

105.6.50 Mobile Food Truck. An operational permit is required to operate a mobile food truck within the limits of the District. The permit shall be obtained by the business obtaining the services of the food truck vendor.

Section 105.7, modify as follows:

Section 105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 to ~~105.7.18~~ 105.7.20.

Section 105.7, add the following new provisions:

105.7.19 New Building. To erect a new building or parking structure.

105.7.20 Tenant Finish. To remodel or improve a portion of an existing building.

Section 108.1, modify as follows:

Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be ~~and is hereby created a board of appeals.~~ ~~The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.~~ the Regional Fire Code Board of Appeals appointed through the operation of an IGA and shall hold office at its pleasure. *[remainder unchanged]*

Section 109.4, modify as follows:

109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and 32-1-1002, C.R.S. guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4, modify as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and 32-1-1002, C.R.S. guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.

CHAPTER 2

Section 202, modify as follows:

FIRE CODE OFFICIAL. ~~The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.~~ The Fire Chief of the District, or his designee.

CHAPTER 3

Section 308.1.4, add the following new provision:

Section 308.1.4.1 Notification. Property managers or homeowner associations (HOA) shall notify in writing each tenant and unit owner of the restrictions pertaining to use of open flame cooking devices on balconies. Acceptable forms of notification are a statement in the signed lease or a separate form that is signed by the tenant and unit owner and kept on file by the property manager or HOA.

CHAPTER 5

Section 503.1, modify as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D.

Section 503.2, modify as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D.

Section 503.2.1, modify as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than ~~20~~ 26 feet (~~6096~~ 7925 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Section 503.2.3, modify as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus as defined by section D102.1 and shall be surfaced so as to provide all-weather driving capabilities. Acceptable all weather surfaces for permanent fire apparatus access roads are asphalt or concrete.

Section 506.1, modify as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or a building contains a fire detection or fire suppression

system, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type ~~listed in accordance with UL-1037~~, and shall contain keys to gain necessary access as required by the fire code official. The fire code official can require additional key boxes on buildings with multiple entrances.

Section 507.3, modify as follows:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined ~~by an approved method~~ in accordance with Appendix B.

Section 507.5, modify as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

CHAPTER 9

Section 903.2.7, modify as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. [No Change]
2. [No Change]
3. [No Change]
4. A Group M ~~occupancy~~ fire area is used for the display and sale of upholstered furniture or mattresses where the fire area exceeds 5,000 square feet (464m²).

Section 903.2.9, modify as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. [No Change]

2. [No Change]
3. [No Change]
4. [No Change]
5. A Group S-1 ~~occupancy~~ fire area used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

CHAPTER 11

Section 1101.5, add the following new provision:

1101.5 Existing Building Key Boxes. Where access to or within a structure or an area is restricted because of secured openings where immediate access is necessary for life-saving or fire-fighting purposes, or a building contains a fire detection or fire suppression system, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. The fire code official can require additional key boxes on buildings with multiple entrances.

Section 1103.7.6, modify as follows:

1103.7.6 Group R-2. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies more than three stories in height or with more than 16 dwelling or sleeping units.

Exceptions:

1. [No Change]
2. [No Change]
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, ~~and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2,~~ provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3, items 3.2 to 3.5.

4. [No Change]

CHAPTER 56

Section 5601.1.3, modify as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited except as allowed by Federal, State, and Local law.

Exceptions:

1. [No Change]
2. [No Change]
3. [No Change]
4. [No Change]

APPENDIX D

Section D103.6, modify as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with ~~Figure D103.6~~ supplemental rules. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

D103.6.1 Roads 20 to 26 30 feet in width. ~~Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).~~ Fire apparatus access roads 20 to 30 feet wide (6096 to 9144 mm) shall be posted on both sides as a fire lane.

D103.6.2 Roads ~~more than 26~~ 30 to 34 feet in width. ~~Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754).~~ Fire apparatus access roads 30 to 34 feet wide (7925 mm to 10,363 mm) shall be posted on one side of the road as a fire lane.

5. **Geographic limits.** That the geographic limits referred to in the following sections of the 2015 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): In accordance with the zoning regulations of the governing authority.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): In accordance with the zoning regulations of the governing authority.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): In accordance with the zoning regulations of the governing authority.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): In accordance with the zoning regulations of the governing authority.

6. **Severability.** That if any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

7. **Construction.** That nothing in this Resolution or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

8. **Repealer.** All resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed, provided that this section shall not repeal the repealer clauses of any prior resolutions or hereby revive any ordinances or resolutions previously repealed.

9. **Effective Date.** That this Resolution and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption.

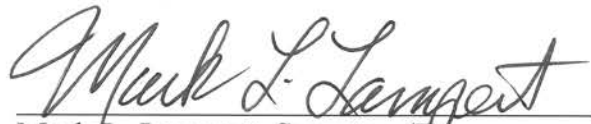
ADOPTED this 29th day of September, 2016.

Cunningham Fire Protection District

By


C. J. Whelan III, President

Attest:


Mark L. Lampert, Secretary/Treasurer



David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
13101 E. Broncos Parkway
Centennial, Colorado 80112
Phone: 720-874-4176
Fax: 720-874-4158
www.arapahoesherriff.org
sheriff@arapahoegov.com

Board Summary Report

Date: October 20, 2016

To: Board of County Commissioners

Through: David C. Walcher, Sheriff

From: Olga Fajaros, Budget and Logistics Manager

Subject: Extension of Agreement for Services with Accuracy, Inc., d/b/a Ultramax Ammunition, RFP-13-82, Training and Duty Ammunition

Request and Recommendation

Request the Board of County Commissioners to authorize the Chair of the Board of County Commissioners to sign the Extension of Agreement for Services with Accuracy, Inc., d/b/a Ultramax Ammunition, for training and duty ammunition.

Background

The Arapahoe County Sheriff's Office has purchased ammunition in past years based on a contract with Ultramax Ammunition. Through the Request for Proposal, Ultramax was chosen in RFP-13-82.

Discussion

The Arapahoe County Sheriff's Office requires ammunition for mandatory training of incoming recruits and sworn personnel, as well as providing duty ammunition to sworn personnel. Duty ammunition is periodically replaced with new ammunition consistent with Sheriff's Office policy and procedure, as well as manufacturer recommendations.

Links to Align Arapahoe

Quality of Life-Foster Safe Communities: The Agreement with Accuracy, d/b/a Ultramax Ammunition, allows the purchase of the necessary ammunition to maintain the safety of the Sheriff's Office sworn personnel and the community at large.

Alternatives

There are no alternatives.

Fiscal Impact

The cost for the ammunition will be paid out of the Sheriff's Office 2017 Operating Budget.

Concurrence

The Sheriff's Office Administration and Support Services Bureau are in support of this request.

Reviewed by:

Olga Fajaros, Budget and Logistics Manager

Larry Etheridge, Support Services Chief

Louie Perea, Undersheriff

David C. Walcher, Sheriff

Finance Department

County Attorney

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to authorize the Chair of the Board of County Commissioners to sign the Extension of Agreement for Services with Accuracy, Inc., d/b/a Ultramax Ammunition, for a period of one (1) year from January 1, 2017 to December 31, 2017, for the purpose of obtaining ammunition for use by the Arapahoe County Sheriff's Office, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, ; Commissioner, Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
13101 E. Broncos Parkway
Centennial, Colorado 80112
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Fax: 720-874-4158
www.arapahoesherriff.org
sheriff@arapahoegov.com

September 28, 2016

Accuracy, Inc. dba Ultramax Ammunition
Attn: Ms. Lana Brauenstein
2112 Elk Vale Road
Rapid City, SD 57701

Subject: Extension of the Agreement for Training and Duty Ammunition
RFP-13-82

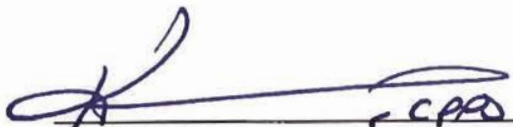
Arapahoe County and Accuracy, Inc. dba Ultramax Ammunition entered into an agreement for polygraph examinations on January 1, 2014. The parties may mutually agree upon an annual extension of this contract pursuant to the provisions as set forth in the original Agreement for Services or Purchase Agreement.

Accuracy, Inc. dba Ultramax Ammunition has agreed to maintain pricing without any increases, and all parties mutually agree upon an annual extension of this contract pursuant to the provisions set forth in the solicitation.

Staff has determined that it is to the best interest of the County to extend the agreement from January 1, 2017, through December 31, 2017.

By signing below, both parties agree to the extension of this Agreement for Services.

Consensus:


Purchasing Manager

9/28/16
Date



An Internationally Accredited Agency

Committed to Quality Service with an Emphasis on Integrity, Professionalism and Community Spirit.



ARAPAHOE COUNTY
COLORADO'S FIRST

David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
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Centennial, Colorado 80112
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sheriff@arapahoegov.com

CONTRACTOR:

By: Lana Braunstein
(Signature)

Title: General Manager

Signed this 2nd day of November, 2016

State of ~~Colorado~~ South Dakota

County of: Pennington

Subscribed and sworn to before me this 2nd day of November, 2016

By: [Signature]

My commission expires: 07-15-2017

Karlene Stangle
Notary Public



SEAL



An Internationally Accredited Agency

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David C. Walcher
Sheriff

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ATTEST: Clerk to the Board

ARAPAHOE COUNTY

By: _____
Chair, Board of County Commissioners
(Or representative authorized by resolution)

Date: _____



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Board Summary Report

Date: November 18, 2016

To: Board of County Commissioners

Through: David C. Walcher, Sheriff

From: Olga Fajaros, Budget & Logistics Manager

Subject: Final Extension of the 2014 Agreement for Services between Arapahoe County and the Arapahoe Library District

Request and Recommendation

Request the Board of County Commissioners to authorize the Chair of the Board of County Commissioners to sign the Extension of the Agreement for Services between Arapahoe County and Arapahoe Library District to provide library services to inmates at the Arapahoe County Sheriff's Office Detention Facility.

Background

The Arapahoe Library District has provided library services to the inmates at the Arapahoe County Sheriff's Office Detention Facility since 1985. While this is not considered a public branch of the Arapahoe Library District and is not funded by them, the Detention Facility is a working branch of the Arapahoe Library District and funding is provided through the Arapahoe County Sheriff's Office.

Links to Align Arapahoe

Enhance Quality of Life: Providing library services for inmates enhances their quality of life by providing access to legal and recreational reading materials.

Discussion

The partnership between the Arapahoe Library District and the Arapahoe County Sheriff's Office Detention Facility allows the library to serve the inmate community and the Arapahoe County Sheriff's staff working at the Detention Facility by providing legal resources as well as a recreational reading section of books and publications. A new Agreement for Services was entered into for 2014 and included the option to renew for up to three subsequent one-year periods. The Sheriff's Office would like to extend this contract from January 1, 2017 to December 31, 2017.

Alternatives

The only alternative would be to put the contract out for formal solicitation; however, there has not been much interest outside of Arapahoe Library District. In the second quarter of 2009, Aurora Public Library was contacted regarding a bid to provide library services at the Arapahoe County Detention Facility. They declined and did not submit a bid. Resolution 130738 approved a waiver of bid for Arapahoe Library District for four years.

Fiscal Impact

The \$373,569.00 cost of the 2017 contract is funded through the General Fund Budget and the Commissary Fund Budget for 2017.

Concurrence

The Sheriff's Office Administration and Detention Services Bureau are in concurrence with this decision.

Reviewed By:

Olga Fajaros, Budget & Logistics Manager

Vincent Line, Detention Service Bureau

Louie Perea, Undersheriff

David C. Walcher, Sheriff

Finance Department

County Attorney

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to authorize the Chair of the Board of County Commissioners to sign the Letter of Extension to the Agreement for Services by and between Arapahoe County and Arapahoe Library District for the purpose of providing library services at the Arapahoe County Sheriff's Office Detention Facility, for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$373,569.00, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
COLORADO'S FIRST

David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
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Centennial, Colorado 80112
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www.arapahoesherriff.org
sheriff@arapahoegov.com

October 18, 2016

Nicolle Davies
Arapahoe Library District
12855 East Jamison Circle
Centennial, CO 80112

**SUBJ: EXTENSION OF THE AGREEMENT FOR INMATE LIBRARY SERVICES
WOB-13-93**

Arapahoe County and Arapahoe Library District entered into an agreement on January 1, 2014. The parties may mutually agree upon an annual extension of this agreement pursuant to the provisions as set forth in the original Agreement for Services or Purchase Agreement (ACG Contract #SHDT144654).

Arapahoe Library District hereby agrees to maintain pricing without any increases, and all parties mutually agree upon an annual extension of this agreement pursuant to the provisions set forth in the solicitation.

Staff has determined that it is to the best interest of the County to extend this agreement from January 1, 2017 through December 31, 2017.

By signing below, both parties agree to the extension of this Agreement for Services.

Reviewed by:

 CPPO

Keith Ashby, CPPO, Purchasing Manager
Arapahoe County Government

10/20/16
Date



CONTRACTOR: ARAPAHOE LIBRARY DISTRICT

By: Lil Spear
(signature)

Title: DIRECTOR OF LIBRARY OPERATIONS

Signed this 1ST day of NOVEMBER, 2016

State of Colorado

County of: Arapahoe

Subscribed and sworn to before me this 1 day of November, 2016

By: Marian J. Maccarrone

My commission expires: 4-5-2017

Marian J. Maccarrone
Notary Public

SEAL



ATTEST: Clerk to the Board

ARAPAHOE COUNTY

By: _____
Chair, Board of County Commissioners
(Or representative authorized by resolution)

Date: _____

Date: _____



Board Summary Report

Date: November 3, 2016

To: Board of County Commissioners

Through: David C. Walcher, Sheriff

From: Olga Fajaros, Budget & Logistics Manager

Subject: Extension of Agreement with Neve's Uniforms and Equipment; RFP-15-57

Request and Recommendation

Request the Board of County Commissioners to authorize the Chair of the Board of County Commissioners to sign the extension of the agreement for the primary purchase of uniform items from Neve's Uniforms and Equipment.

Background

The Arapahoe County Sheriff's Office opened a Request for Proposal to provide uniform items to the Arapahoe County Sheriff's Office in 2015. From the proposals submitted, Neve's Uniforms and Equipment was chosen as the primary vendor.

Links to Align Arapahoe

Enhance Quality of Workforce: Providing uniforms for deputies maintains a professional appearance.

Discussion

The agreement between Arapahoe County Sheriff's Office (ACSO) and Neve's Uniforms and Equipment began on November 1, 2015 and will end on October 31, 2016, with the option of renewal for up to three years. The Sheriff's Office would like to extend this contract from November 1, 2016 through October 31, 2017.

Alternatives

There are no alternatives as Neve's Uniforms and Equipment was awarded the contract under RFP-15-57.

Fiscal Impact

Any purchase made will come out of the Arapahoe County Sheriff's Office operating budget.

Concurrence

The Sheriff's Office Administration and Support Services Bureau are in concurrence with this decision.

Reviewed By:

Olga Fajaros, Budget & Logistics Manager

Larry Etheridge, Support Services Bureau Chief

Louie Perea, Undersheriff

David C. Walcher, Sheriff

Finance Department

County Attorney

RESOLUTION NO. 16

It was moved by Commissioner and duly seconded by Commissioner to authorize the Chair of the Board of County Commissioners to sign the Extension of the Agreement for Services by and between Arapahoe County and Neve's Uniforms and Equipment for the purpose of providing uniforms and equipment to the Arapahoe County Sheriff's Office, for the period of November 1, 2016 to October 31, 2017, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
COLORADO'S FIRST

David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
13101 E. Broncos Parkway
Centennial, Colorado 80112
Phone: 720-874-4176
Fax: 720-874-4158
www.arapahoesherriff.org
sheriff@arapahoegov.com

September 28, 2016

Terry Neve
Neve's Uniforms and Equipment
5120 Osage Street, Suite 200
Denver, CO 80221

**SUBJ: EXTENSION OF THE AGREEMENT TO PROVIDE UNIFORMS FOR THE ARAPAHOE
COUNTY SHERIFF'S OFFICE
RFP-15-57**

Arapahoe County and Neve's Uniforms and Equipment entered into an agreement to provide Uniforms for the Arapahoe County Sheriff's Office on: November 1, 2015. The parties may mutually agree upon an annual extension of this contract pursuant to the provisions as set forth in the original Agreement for Services (ACG Contract #155469).

Neve's Uniforms and Equipment has agreed to maintain pricing without any increases, and all parties mutually agree upon an annual extension of this contract pursuant to the provisions set forth in the solicitation.

Staff has determined that it is to the best interest of the County to extend the agreement from November 1, 2016 through October 31, ~~2016~~ 2017.

By signing below, both parties agree to the extension of this Agreement for Services.

Reviewed by:

Keith Ashby, CPPO, Purchasing Manager
Arapahoe County Government

10/3/16
Date



An Internationally Accredited Agency

Committed to Quality Service with an Emphasis on Integrity, Professionalism and Community Spirit.

CONTRACTOR:

By: Jack Hinnick
(signature)

Title: DIRECTOR OF SALES & OPERATIONS

Signed this 24 day of OCTOBER, 2016

State of : Colo

County of: Denver

Subscribed and sworn to before me this 24 day of October, 2016

By: Denise Smith

My commission expires: 4-17-17

Denise Smith
Notary Public

SEAL

ATTEST: Clerk to the Board

ARAPAHOE COUNTY

By: _____
Chair, Board of County Commissioners
(Or representative authorized by resolution)

Date: _____



Board Summary Report

Date: November 8, 2016
To: Board of County Commissioners
Through: Shannon Carter, Open Spaces Department Director
From: Lindsey Miller, Grants Program Administrator
Subject: Fall 2016 Open Space Grant Cycle Award Approval

Request and Recommendation:

The joint-recommendation from Staff/Open Spaces Trails and Advisory Board (OSTAB) to the Board of County Commissioners is to approve the Fall 2016 Open Space Grant proposals funding the four (4) ranked and qualified Trails Grants, totaling \$939,568, as presented in the attached Fall 2016 Grant Cycle Ranking Sheet for Open Space Grant Proposals. This topic was heard and approved by the Board of County Commissioners at a study session on November 7, 2016.

Background:

In furtherance of the County Open Space Resolution, Open Space grant funds are invested throughout Arapahoe County communities using 12% of the annual sales/use tax revenue. The goal is to fund eligible, high quality projects that address urgent local needs for open space, parks and trails. Eligible entities for grant funding include all incorporated municipalities and outdoor recreation-oriented special districts within the County.

At the study session on October 26, 2015, the BoCC gave direction to staff to run a Special Fall 2016 Grant cycle focusing specifically on trail planning and improvements and allocating a maximum of \$1 million for the grant cycle. The \$1 million allocated for this special grant cycle is a planned approach to spend down the grants fund due to increased sales and use tax revenue. The categories for the 2016 Fall cycle are as follows:

- Two (2) or more Trails Grant Awards: \$100 to \$500,000, 25% total project cost minimum cash match

Links to Align Arapahoe:

Optimize Use of Financial Assets
Increase Intergovernmental Cooperation
Increase Community and Regional Partnerships
Improve Park, Trail and Open Space Opportunities
Improve Communication and Stakeholder Input
Improve Customer Experience

Discussion:

By the deadline of August 26, 2016, 6 eligible agencies submitted a total of 6 eligible trails grant proposals, requesting a total of approximately \$1.7 million, with matching funds of about \$1.8 million. The County has \$1 million available for the Fall 2016 Trails Grant Cycle.

The evaluation process involved: 1) initial Open Space Grants Program staff review for eligibility and minimum qualifications; 2) evaluator group tour of each project site; 3) individual evaluation and ranking of each grant proposal by evaluators based on specific objective criteria; and 4) mathematical tallying and merit ranking of projects. The evaluation team consisted of four (4) OSTAB members and five (5) County staff members. Evaluators ranked each project by merit based on the following criteria:

- need and urgency of the project;
- scope of the project;
- leveraging dollars/cash match provided;
- ability of the applicant to achieve the proposed results according to budget in a two (2) year timeframe;
- supporting documentation; and
- capacity of the entity to maintain the project site in future years.

After evaluating the projects, participating OSTAB and County staff grant reviewers submitted their individual rankings, which were combined and averaged to reveal that there is funding to support four (4) out of the six (6) projects. The two (2) grant projects that are not recommended for funding at this time will receive evaluator comments and suggestions for reapplying for a future grant or joint project opportunity. The two projects that are not being recommended for funding were not ranked because they need additional planning and are not ready to move forward at this time.

Trails Grants:

- \$250,000 to City of Englewood for ***Northwest Greenbelt Trail Connection Project***
- \$129,375 to South Suburban Park and Recreation District for ***Phase II River Integration at Hudson Gardens***
- \$500,000 to City of Aurora for ***Triple Creek Trailhead Construction***
- \$60,193 to Copperleaf Metropolitan District #2 for ***Copperleaf Trails Planning Project***

Alternatives:

Recommend approval, conditional approval, or denial per grant project.

Fiscal Impact:

Twelve percent (12%) of annual revenue from the County Open Space Tax Fund is dedicated to funding competitive grants pursuant to the County Open Space Resolution. Recommended grant awards total \$939,568. The fund balance exceeds this amount.

Concurrence

On October 24, 2016, Open Space Trails and Advisory Board (OSTAB) and Open Spaces Staff discussed the results of the grant evaluation process and made a joint recommendation to the BoCC (attached).

Attorney Comments:

None

Reviewed By:

Josh Tenneson
Grants and Acquisitions Manager

Shannon Carter, Director
Intergovernmental Relations and Open Spaces

Tiffanie Bleau
Assistant County Attorney

Janet Kennedy, Director
Finance

Attachments:

Resolution
OSTAB Recommendation to the BoCC
Fall 2016 Grant Cycle Ranking Sheet for Open Space Grant Proposals

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to approve the Fall 2016 Open Space Grant proposals funding the four (4) ranked and qualified Trails Grants, totaling \$939,568, as listed below.

Fall 2016 Recommended Trails Grant Awards:

- \$250,000 to City of Englewood for **Northwest Greenbelt Trail Connection Project**
- \$129,375 to South Suburban Park and Recreation District for **Phase II River Integration at Hudson Gardens**
- \$500,000 to City of Aurora for **Triple Creek Trailhead Construction**
- \$60,193 to Copperleaf Metropolitan District #2 for **Copperleaf Trails Planning Project**

The vote was:

Commissioner Bockenfeld,; Commissioner Doty,; Commissioner Holen,; Commissioner Jackson,; Commissioner Sharpe,.

The Chair declared the motion carried and so ordered.



OSTAB Recommendation

Date: October 24, 2016

To: Board of County Commissioners

From: Open Space Trails and Advisory Board (OSTAB)

Subject: Fall 2016 Open Space Trails Grant Cycle – Ranking of Proposals & Recommendation

OSTAB Recommendation: After reviewing the results of grant proposal evaluations and rankings for the Fall 2016 Trails Grant Cycle as an action item on this date, the evaluation team composed of five (4) County Staff and four (4) OSTAB members recommends to the BOCC that the County approve grant funding for the Fall 2016 Trails Grant Cycle as follows: “Fund the four (4) ranked and qualified Trails Grants (total of 4); totaling \$939,568, as presented in the attached Fall 2016 Grant Cycle Ranking Sheet for Open Space Grant Proposals. All grant awards are subject to available funds and the execution of an Intergovernmental Agreement (IGA) within 60 days of award notification unless otherwise approved by County Grants Program Administrator between the County and each grant applicant for each project.”

Motion by: Bev Bradshaw

Seconded by: Ron Weidmann

Vote: 6 Yes

 0 No

 0 Absent and Excused

 0 Abstain

2016 Fall Grant Applicants	Grant Amount	Match Amount	Total Project Amount	Project Type	Project Name / Description	Evaluator Avg/Final	Final Rank Order
Trail Grants							
City of Englewood	\$250,000	\$91,500	\$341,500	Trail Improvement	Northwest Greenbelt Trail Connection Project	1.666667	1
South Suburban Park and Recreation District	\$129,375	\$43,125	\$172,500	Trail Planning	Phase II River Integration at Hudson Gardens	2.333333	2
City of Aurora	\$500,000	\$225,600	\$725,600	Trail Head Construction	Triple Creek Trailhead Construction	2.444444	3
Copperleaf Metropolitan District #2	\$60,193	\$22,676	\$87,869	Trail System Planning	Copperleaf Trails Project	3.555556	4
Town of Bennett	\$234,375	\$78,125	\$312,500	Trail Construction	Kiowa Creek Trail Link Construction (Phase I)	N/A	N/A
City of Centennial	\$500,000	\$1,383,167	\$1,883,167	Trail Construction	Lone Tree Creek Regional Trail Construction (Phase I)	N/A	N/A
Totals Amount Requested	\$1,673,943	\$1,844,193	\$3,523,136				
Fall Grant Cycle Total Awards	\$939,568	\$382,901	\$1,327,469				
6 Trail Grant Applications Received from 6 Different Agencies	Projected Awards: 2 or more up to \$1M		Recommended Awards: 4 Awards				



Board Summary Report

Date: November 21, 2016
To: Board of County Commissioners
From: Todd Weaver, Budget Manager
Subject: Adoption of Supplemental Budget Resolutions for the Third Quarter 2016

Request and Recommendation

The purpose of this public hearing is to approve the supplemental appropriation resolutions recommended by the Executive Budget Committee and reviewed by the Board of County Commissioners at the study session on November 14th, 2016. The supplemental appropriation resolutions are attached to this Board Summary Report.

Background

The 20 resolutions included in the attached document reflect the supplemental appropriation requests recommended by the Executive Budget Committee and presented to the Board at a study session on November 14th related to the 2016 budget. The Board gave direction to staff to bring these requests forward to public hearing on December 6th for formal adoption.

There are several departments and offices that by the end of the third quarter of 2016 have identified areas or issues requiring modifications to their budgets and have submitted these needs as supplemental appropriation requests for the 2016 budget. For the 3rd Quarter, there are a several requests from the Sheriff's Office which includes appropriation of \$30,000 for School Resource Officer expenses and \$44,065 in reimbursements to the General Fund related to reimbursements for the Cellebrite program and task force participation. The Coroner's Office is requesting an additional \$25,000 in the General Fund for operating supplies due to increased workload this year. There are several smaller transfers from the General Fund and ALEA Fund to the Central Services Fund to purchase equipment for the Sheriff's Office for the body worn camera project and the Detention Center security door project.

Supplemental appropriation requests for other County funds include a transfer from the Social Services Fund of \$3,600,000 to the General Fund from excess fund balance. There is also a request from the Community Resources Department to recognize and appropriate \$1,077,413 in revenue received in the Community Development Fund. The Open Spaces Department is requesting to transfer \$79,000 into the Central Services Fund for the purchase of three new capital assets and a transfer from the General Fund to the Fair Fund for reimbursement of the redeemed employee fair tickets. The Sheriff's Office is requesting to recognize and appropriate \$85,000 in the Grant Fund for the Emergency Management Planning Grant and to appropriate \$51,494 in the Central Services Fund for replacement of a speed trailer, variable message sign, and an x-ray machine for the courthouse. The Public Works and Development Department is requesting to recognize and appropriate \$1,666,469 in the Infrastructure Fund for revenue received from various entities for infrastructure projects. In the Capital Expenditure Fund, there is a request to recognize and appropriate \$350,000 for energy rebates received, recognize and appropriate \$104,684 for two radio test platforms with reimbursement from the E-911 Authority, and

to recognize and appropriate \$474,426 transferred from the Central Services Fund for fixed assets that no longer meet the capitalization requirements that are related to the Sheriff's Office CAD replacement project.

The attached resolutions contain the detail of the other supplemental requests for the 3rd Quarter of 2016 that have not been discussed above.

The Finance Department will be in attendance at the December 6th public hearing to address any questions or concerns regarding the above supplemental appropriation requests.

Links to Align Arapahoe

The adoption of supplemental appropriation requests that have been reviewed by the Executive Budget Committee and the Board of County Commissioners and are only brought forward on a quarterly basis are in alignment with the County's objectives for Fiscal Responsibility and the Responsible Use of Taxpayer Money.

Discussion

All of the supplemental appropriation requests were discussed at the November 14th study session and were reviewed by the Executive Budget Committee prior to that meeting. A discussion, if any, is to be determined by the Board during the public hearing.

Alternatives

Alternatively, a decision could be made that none of the 2016 budget supplemental appropriation resolutions should be adopted at this time.

Fiscal Impact

The fiscal impact is equivalent to the net amount of each of the supplemental appropriation requests that are approved by the Board of County Commissioners.

Reviewed By:

Janet J. Kennedy, Finance Director
John Christofferson, Deputy County Attorney

3rd Quarter Review

Summary of Proposed Budget Adjustments

Fund Name	Department/Elected Office	Revenue Amount	Expense Amount	FTEs
Discussion Needed				
General Fund	Administrative Services	3,600,000	-	-
General Fund	Administrative Services	-	14,700	-
General Fund	Coroner's Office	-	25,000	-
General Fund	Sheriff's Office	-	5,000	-
General Fund	Sheriff's Office	-	-	-
General Fund	Sheriff's Office	-	30,000	-
General Fund	Sheriff's Office	30,878	30,878	-
<i>SUBTOTAL General Fund</i>		<i>\$ 3,630,878</i>	<i>\$ 105,578</i>	-
ALEA Fund	Sheriff's Office	29,122	29,122	-
Capital Expenditure Fund	Administrative Services	104,684	104,684	-
Capital Expenditure Fund	Information Technology	474,426	474,426	-
Central Services Fund	Information Technology	-	-	-
Central Services Fund	Open Spaces & Intergovernmental	79,000	79,000	-
Central Services Fund	Sheriff's Office	5,837	5,837	-
Central Services Fund	Sheriff's Office	-	14,748	-
Central Services Fund	Sheriff's Office	-	6,864	-
Central Services Fund	Sheriff's Office	-	29,900	-
Central Services Fund	Sheriff's Office	25,042	71,579	-
Central Services Fund	Sheriff's Office	-	-	-
Central Services Fund	Sheriff's Office	-	43,363	-
Fair Fund	Open Spaces & Intergovernmental	14,700	14,700	-
Forfeiture Fund	Sheriff's Office	-	-	-
Forfeiture Fund	Sheriff's Office	-	-	-
Open Spaces Sales Tax Fund	Open Spaces & Intergovernmental	-	-	-
Social Services Fund	Human Services	-	3,600,000	-
TOTAL Discussion Needed		<u><u>\$ 4,363,689</u></u>	<u><u>\$ 4,579,801</u></u>	-
New Revenue/Budget Cleanup				
General Fund	Sheriff's Office	44,065	44,065	-
SUBTOTAL General Fund		<u><u>\$ 44,065</u></u>	<u><u>\$ 44,065</u></u>	-
Capital Expenditure Fund	Facilities and Fleet Management	350,000	350,000	-
Community Development Fund	Community Resources	1,077,413	1,077,413	-
Community Development Fund	Community Resources	114,288	114,288	-
Forfeiture Fund	Sheriff's Office	7,629	7,629	-
Grant Fund	Sheriff's Office	85,000	85,000	-
Infrastructure Fund	Public Works & Development	1,666,469	1,666,469	-
TOTAL New Revenue/Budget Cleanup		<u><u>\$ 3,344,864</u></u>	<u><u>\$ 3,344,864</u></u>	-

**ARAPAHOE COUNTY
NOTICE OF PUBLIC HEARING
PROPOSED BUDGET AMENDMENTS**

NOTICE IS HEREBY GIVEN that on Tuesday, December 6, 2016 at 9:30 a.m., or as soon thereafter as the calendar of the Board of County Commissioners permits, in the East Hearing Room of the County Administration Building, 5334 South Prince Street, Littleton, Colorado, the Board of County Commissioners of Arapahoe County will meet to consider the following proposed budget resolutions:

I

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Community Resources Department is requesting to recognize and appropriate \$881,519 in Community Development Fund for program income received from Funding Partners; and

WHEREAS, the Community Resources Department is also requesting to recognize and appropriate \$195,894 in Community Development Fund for program income received from South Metro Housing Options; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$1,077,413 in the Community Development Fund for program income for the HOME program.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

II

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Community Resources Department is requesting to recognize and appropriate \$114,288 in Community Development Fund for CDBG program income received from the City of Englewood; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$114,288 in the Community Development Fund from CDBG program income deposits.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

III

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Open Spaces Department is requesting to transfer \$79,000 from the Open Space Sales Tax Fund to the Central Services Fund and to recognize and appropriate the same for the purchase of a sport utility vehicle, mower, and small utility vehicle; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$79,000 from the Open Space Sales Tax fund and recognize and appropriate the same in the Central Services Fund for the purchase of three new capital assets.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office has received \$30,000 from Cherry Creek Schools for reimbursement of the cost of School Resource Officers; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$30,000 in General Fund, Sheriff's Office for School Resource Officer expenses.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

V

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office is requesting the appropriation of \$43,363 in accumulated intergovernmental rents in the Central Services Fund to replace a vehicle totaled in an accident; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$43,363 in Central Services Fund for the replacement of a Sheriff's Office vehicle totaled in an accident.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Human Services Department has determined that there is excess fund balance in the Social Services Fund from prior year contributions; and

WHEREAS, the Human Services Department is requesting a transfer of \$3,600,000 from the Social Services Fund, Human Services Department to the General Fund and to recognize the same in the General Fund, Administrative Services Department from this excess fund balance; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$3,600,000 from the Social Services Fund, Human Services Department and to recognize the same amount in the General Fund, Administrative Services Department from excess fund balance.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Coroner's Office has experienced increased workload and as a result is requesting an additional \$25,000 General Fund for operating supplies; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$25,000 General Fund, Coroner's Office to purchase needed additional operating supplies.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VIII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office has received \$7,629 in funds from Federal and Impact Team forfeitures and requests that this revenue be recognized and appropriated in the Forfeited Property Fund; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$7,629 in Forfeited Property Fund, Sheriff's Office from Federal and Impact Team forfeiture funds.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IX

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to recognize and appropriate \$85,000 in the Grant Fund for the Emergency Management Planning Grant (EPMG); and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$85,000 in the Grant Fund, Sheriff's Office for an emergency management planning grant that was received.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

X

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to appropriate \$5,000 in the General Fund for the annual allotment for sponsorship of the Incident Management Team per a prior Board resolution; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$5,000 in the General Fund, Sheriff's Office for the annual allotment for the sponsorship of the Incident Management Team.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office has received \$44,065 in reimbursements for expenses related to the Cellebrite program and task force participation and requests that this revenue be recognized and appropriated in the General Fund, Sheriff's Office; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$44,065 in General Fund, Sheriff's Office for the reimbursement of expenses related to task force and program participation.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Public Works and Development Department requests to recognize and appropriate \$1,666,469 in the Infrastructure Fund for revenue received from various entities for infrastructure projects; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$1,666,469 in the Infrastructure Fund, Public Works & Development Department from revenue received from other entities for participation in various infrastructure projects.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XIII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to transfer \$5,837 from the General Fund, Sheriff's Office to the Central Services Fund and recognize and appropriate the same for the additional funding needed on the Detention Center security door project asset; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$5,837 from the General Fund, Sheriff's Office to the Central Services Fund and to recognize and appropriate the same for the Detention Center security door fixed asset.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XIV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to appropriate \$6,864 in Central Services Fund for the replacement of a speed trailer; and

WHEREAS, the Sheriff's Office also requests to appropriate \$14,748 in Central Services Fund for the replacement of a variable message sign; and

WHEREAS, the Sheriff's Office also requests to appropriate \$29,900 in the Central Services Fund to purchase an x-ray imaging system for the courthouse from funds contributed for a weapons detector; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$51,494 in Central Services Fund, Sheriff's Office for the replacement of a speed trailer, variable message sign, and an x-ray machine for the courthouse.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to transfer \$25,042 in funds from Forfeited Property Fund and recognize \$25,042 and appropriate \$71,579 in Central Services for the purchase of existing bomb suits with new ones; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$25,042 from Forfeiture Fund, Sheriff's Office and recognize \$25,042 and appropriate \$71,579 in Central Services, Sheriff's Office for the purchase of new bomb suits.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XVI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Information Technology Department is in the process of replacing the records/jail management and computer-aided dispatch software for the Sheriff's Office and intergovernmental rents contributed for hardware are needed for different project related expenses; and

WHEREAS, as a result, the Information Technology Department is requesting to transfer \$474,426 from Central Services Fund and recognize and appropriate the same amount in the Capital

Expenditure Fund for expenses related to the Sheriff's Office CAD/RMS/JMS replacement project for these fixed assets that no longer meet the capitalization requirements; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$474,426 from Central Services Fund, Information Technology and recognize and appropriate the same in the Capital Expenditure Fund, Information Technology for expenses related to the Sheriff's Office CAD/JMS/RMS replacement project for fixed assets that no longer meet the capitalization requirements.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XVII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Facilities and Fleet Management Department requests to recognize and appropriate \$350,000 in the Capital Expenditure Fund for energy rebates received for the improvements made during the Energy Performance Contract project; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$350,000 in the Capital Expenditure Fund, Facilities & Fleet Management for energy rebates received from the Energy Performance Contract project.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XVIII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office is requesting to purchase two radio test platforms in the Capital Expenditure Fund; and

WHEREAS, the Sheriff's Office is anticipating reimbursement from the Arapahoe County E-911 Authority related to the purchase of these test platforms; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate \$104,684 in the Capital Expenditure Fund, Sheriff's Office for two radio test platforms with reimbursement from the E-911 Authority.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XIX

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to transfer \$8,254 from the Central Services Fund and \$22,624 from the Forfeiture Fund to the General Fund and to recognize and appropriate \$30,878 in the General Fund for additional funding for the body worn camera project; and

WHEREAS, the Sheriff's Office also requests to transfer \$4,444 from the Central Services Fund and \$24,678 from the Forfeiture Fund to the Arapahoe Law Enforcement Authority (ALEA) Fund and to recognize and appropriate \$29,122 in the ALEA Fund for the additional funding for the body worn camera project; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$8,254 from the Central Services Fund and \$22,624 from the Forfeiture Fund to the General Fund and to recognize and appropriate \$30,878 in the General Fund for additional funding for the body worn camera project.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County to transfer \$4,444 from the Central Services Fund and \$24,678 from the Forfeiture Fund to the Arapahoe Law Enforcement Authority Fund and to recognize and appropriate \$29,122 in the ALEA Fund for the additional funding for the body worn camera project.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XX

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Open Spaces and Intergovernmental Relations Department is seeking reimbursement for expenses related to the admission and parking charges for County employees at the annual County Fair; and

WHEREAS, an appropriation of \$14,700 in the General Fund, Administrative Services Department and subsequent transfer to the County Fair Fund is requested; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate \$14,700 in the General Fund, Administrative Services Department and transfer

same to the County Fair Fund for recognition of the reimbursement for County employee Fair tickets and parking.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

Proposed Motion:

I move to **adopt/not adopt** the twenty (20) supplemental appropriation requests to the 2016 Budget that were presented to the Board at the 3rd Quarter Budget Review study session on November 14th, 2016 and brought forward for today's public hearing for formal adoption.



Board Summary Report

Date: November 22, 2016

To: Board of County Commissioners

From: Jason Reynolds, Current Planning Program Manager
Public Works and Development Department

Subject: Land Development Code Amendment to Chapter 13 – Planned Unit Development Process

Request and Recommendation

Public Works and Development Planning staff requests and recommends approval of an amendment to the Land Development Code in order to update the procedure for processing Planned Unit Development applications under the Chapter 13 of the Code. This BSR outlines the proposed Code amendment as initially presented at Planning Commission and with the Planning Commission's recommended changes following the Planning Commission hearing on the proposed amendment.

Based on the recommendations outlined in the 2015 Land Development Code (LDC) Assessment, Clarion Associates drafted changes to the Planned Unit Development (PUD) chapter of the Land Development Code. The draft code amendment would implement those recommended improvements by decreasing the amount of detail required early in the process, allowing more administrative approvals for lower impact projects or where greater detail can be committed early in the process, and creating more flexibility in the administrative amendment process.

The draft code creates two options for developers: a two-step process for smaller projects and a three-step process for larger, more complex projects. The initial draft of the code provided two sets of thresholds for projects to qualify for the two-step process versus the three-step process. In the western portion of the County, generally west of the Peoria Avenue alignment including Four Square Mile neighborhoods, the two-step thresholds were more restrictive. In the eastern portion of the County more projects and larger projects could qualify for the two-step process.

Planning Commission Recommendation

On November 1, 2016, the Planning Commission held a public hearing regarding the proposed changes to the PUD Chapter. One member of the public spoke at the hearing in support of having more restrictive standards for the Four Square Mile area of the County. Planning Commission members discussed the thresholds for administrative changes, the two-step, and the three-step process. Planning Commission members expressed concern that the draft regulations included more permissive thresholds for two-step projects in the eastern part of the County. Planning Commission voted 7-0 to recommend approval of the proposed PUD chapter with the following changes:

- Eliminate the distinction between the eastern portions of the County and the western portions of the County;
- Apply the stricter standards found in the western portion of the County throughout the County;

- Change the single-family detached two-step process density from ten dwellings/acre to six dwellings/acre;
- For administrative amendments, reduce the amount of distance that site access could be changed from 50 feet to 25 feet; and
- For administrative amendments, reduce the maximum landscape buffer change from 20% to 10%.¹

The attached Exhibit A draft PUD chapter includes all of Planning Commission's recommended changes, including applying the more restrictive western standards throughout the entire County. Exhibit B of the PUD Chapter retains the separate standards for the eastern and western portions of the county while incorporating the other Planning Commission-recommended changes.

Background

Based on feedback from our land development customers, we need to make significant changes to both our land development processes and the codes supporting those processes. In recent months, the County has begun implementing some recommended changes, including electronic plan review. We can make some incremental improvements, but to truly respond to our customer feedback, we need to update the code.

Clarion provided an internal review version of the PUD regulations in June and a public draft in August. The Planning Commission recommended conditional approval of the draft PUD chapter at their November 1 meeting.

Links to Align Arapahoe

Service First

This project will improve the land use process and the service provided to the land development sector of our customers.

Quality of Life

The update of the land use code will improve the quality of the land uses within the County, thereby providing long-term sustainability.

Fiscal Responsibility

Land Use Code and Process improvements and modifications will make the land use process more efficient, which in turn attracts economic development and long-term sustainability of development in the County.

Discussion

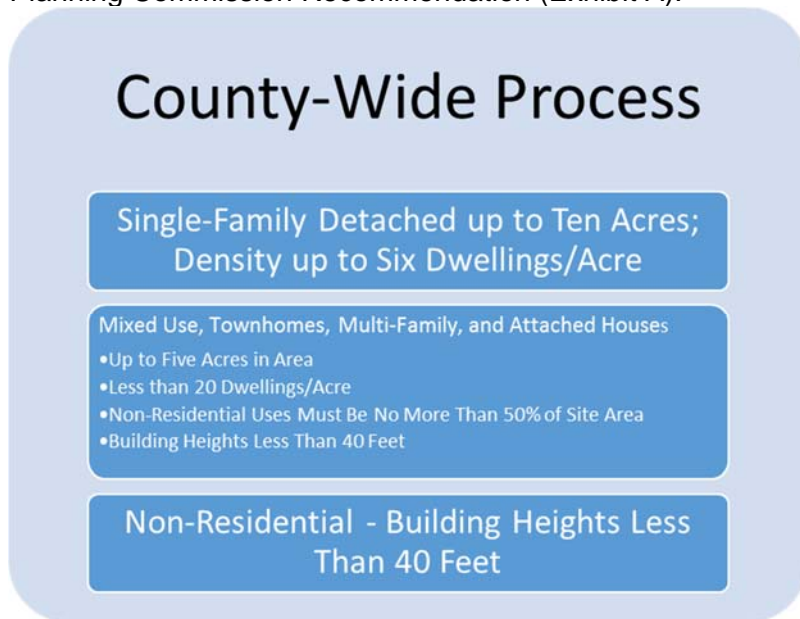
The initial draft PUD chapter established thresholds for two-step process (more administrative review) and three-step process (more public hearings) based on size, types of uses, and density. In the initial draft regulations, the more urbanized area (generally west of Peoria Street and I-25, including Four Square Mile and Platte Canyon Road) had stricter thresholds, meaning that more types of development applications would be required to use the three-step process, which involves additional public hearings. The less urbanized and developing area (including Copperleaf, Tallgrass, Inverness, Dove Valley, and Prosper) had less strict thresholds, meaning more cases could qualify for administrative review.

¹ This condition is not necessary; Planning Commission based the condition on a PowerPoint slide that was incorrect. Though the slide said landscape buffers could be reduced by up to 20% through an administrative process, the draft code actually prohibits buffer reductions adjacent to residential uses.

Planning Commission recommended eliminating the east/west distinction and applying stricter thresholds throughout the County. While fewer projects would qualify for administrative review, the Planning Commission recommendation still represents an improvement over the current state. Even with the stricter thresholds, more projects could be processed administratively than under the current regulations.

The following charts illustrate the differences between the Planning Commission recommendation (Exhibit A) and the version that retains the east/west line (Exhibit B). The charts indicate the types of projects that would qualify for a two-step process, which requires fewer public hearings.

Planning Commission Recommendation (Exhibit A):



Retain the East/West Line (Exhibit B):



The attached resolutions include two noteworthy conditions. First, the effective date is set for April 1, 2017. This will allow time to develop supporting application materials and processes for the new regulations. It will also allow other components of the code update, including new base zone districts and the code reorganization to be merged with these changes. Second, the resolution authorizes staff to develop a procedures manual to support the regulations. Many details such as plan formatting and other matters will be included in that manual, which will take time to craft.

For a more detailed discussion of the proposed code changes, please see the attached Planning Commission staff report.

Findings

Staff has reviewed the proposal and supporting documentation and referral comments, as detailed in the Planning Commission report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to Chapter 13 of the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.
2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.
3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.
4. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

Alternatives

The BOCC has several alternatives:

1. Approve the proposed amendment as recommended by Planning Commission, based on the findings in this BSR and the Planning Commission staff report. This alternative is represented by Exhibit A, which eliminates the east/west line and applies the stricter standards County-wide.
2. Approve the proposed amendment, keeping the east/west line, based on the findings in this BSR and the Planning Commission staff report. This alternative, represented by Exhibit B, retains Planning Commission's density and height recommendations while preserving the east/west thresholds.
3. Approve the proposed amendment, with additional changes, based on the findings in this BSR and the Planning Commission staff report.
4. Deny the proposed amendment and retain the existing PUD chapter and process.
5. Continue the public hearing or action on the item to a future date in order to obtain additional information or to further consider information presented during the public hearing.

Fiscal Impact

Amending the development code to allow more administrative reviews could result in increased economic development activity while allowing public hearings when development could affect existing neighborhoods.

Reviewers

David M. Schmit, P.E., Director of Public Works and Development
Jason Reynolds, Current Planning Program Manager
Jan Yeckes, Planning Division Manager
Robert Hill, Senior Assistant County Attorney
Todd Weaver, Budget Manager, Finance
Keith Ashby, Purchasing Division Manager, Finance

Attached Documents

Motions
Resolution
Exhibit A – PUD Chapter with Planning Commission Recommendation
Exhibit B – PUD Chapter Keeping the East/West Line
Planning Commission Staff Report
Referral Agency Summary Table
External Referral Comments

W16-002 - Land Development Code Amendment Chapter 13 Planned Unit Development

Staff has provided the following draft motions to assist the BOCC with preparing a motion. Options A and B are generally consistent with the staff recommendation. Option A is consistent with the Planning Commission recommendation. Option B is more consistent with the preferences of the ADSCC. See additional notes below.

A. Motion for Approval as submitted: *This action would be consistent with the recommendation of the Planning Commission.*

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, the County Commissioners have read the proposed code amendment and staff report and have considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated November 22, 2016, and **approve the amendment as submitted in Exhibit A**, with the following conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, will be effective and integrated into the existing Code on April 1, 2017.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

B. Motion for Approval, retaining the different two-step thresholds for the eastern and western parts of the County: *This action would be more consistent with preferences of the Arapahoe Development Services Coordinating Committee (ADSCC), as it has greater flexibility for areas east of the dividing line included in Exhibit B. It would not, however, be consistent with the recommendation of the Planning Commission to use the same standard countywide.*

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, the County Commissioners have read the proposed code amendment and staff report and have considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated November 22, 2016, and **approve the amendment as submitted in Exhibit B** and with the following conditions of approval:

Conditions of Approval: *Any changes to the following conditions should be stated as part of the motion.*

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, will be effective and integrated into the existing Code on April 1, 2017.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

C. Motion for Approval with Changes:

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, the County Commissioners have read the proposed code amendment and staff report and have considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated November 22, 2016, and **approve the amendment in Exhibit [A or B] with the following changes** and with the following conditions of approval:

Changes to the proposed text:

1. *Changes should be read as part of the motion to approve. The Planning Commission may generally note the changes to be accomplished and direct staff to modify the text with language determined to accomplish the intended purpose prior to forwarding the recommendation to the BOCC.*
2.

Conditions of Approval: *Any changes to the following conditions should be stated as part of the motion.*

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, will be effective and integrated into the existing Code on April 1, 2017.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

D. Motion for Denial:

In the case of W16-002 - Land Development Code Amendment Chapter 13 Planned Unit Development, the County Commissioners have read the proposed code amendment and staff report and have considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Board Summary Report dated November 22, 2016, and therefore **deny** the application **based on the following findings**:

1. *As part of the motion, state new or amended findings to support a motion for denial.*

E. Motion to Continue:

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, I move to **continue** the [public hearing for] [action on] this item to [Date], date certain, 9:30 a.m., at [specify location], [to obtain additional information] [to further consider information presented during the public hearing].

AMENDMENTS TO ZONING REGULATIONS OF THE LAND DEVELOPMENT CODE

RESOLUTION NO. [Reso #] It was moved by Commissioner [Moved] and duly seconded by Commissioner [Seconded] to adopt the following Resolution:

Whereas, Sections 30-28-113, -116 and -133, C.R.S., provide that the Board of County Commissioners has the power and authority to adopt and thereafter amend zoning regulations and subdivision regulations for the County after notice to the County Planning Commission and published notice to the public of the Board's intention to consider code adoptions and amendments, all as set forth in Sections 30-28-116 and -133, C.R.S.; and

Whereas, the Arapahoe County Public Works and Development planning staff has proposed amendments to Chapter 13 Zoning Procedures provisions of the Arapahoe County Land Development Code, known as case number W16-002 Amendment to the Land Development Code, Planned Unit Development Process Section 13-100 (Planned Unit Development), Section 13-400 (Administrative Site Plan), Section 13-155 (Administrative Amendment), and 13-600 (Technical Amendment); and

Whereas, in accordance with the above provision of the C.R.S., such proposed amendment to the Chapter 13 Zoning Procedures provisions were forwarded to the Arapahoe County Planning Commission for review and comment; and

Whereas, the Planning Commission held a duly noticed public hearing on November 1, 2016, at which Planning Commission reviewed and considered staff's proposed amendments to the Chapter 13 Zoning Procedures provisions of the Land Development Code, and voted favorably to recommend that the changes be approved, with certain revisions to the proposed amendment as set forth in the record of the Planning Commission hearing; and

Whereas, a Notice of Public Hearing before this Board of County Commissioners on the proposed Chapter 13 Zoning Procedures amendment was published in The Villager, a newspaper of general circulation in the County, on the 17th day of November, 2016, and a similar Notice of Public hearing was published in the I-70 Scout, a newspaper of general circulation in the east county on 15th day of November, 2016, both of which publications notified the public of the public hearing on the proposed amendment to the Land Development Code; and

Whereas, on December 6, 2016, the Board of County Commissioners held such public hearing on the proposed Chapter 13 Zoning Procedures amendments; and

Whereas, the Board was presented with evidence that the notice, publication and referral procedures required by law for such proposed amendment were followed in accordance with applicable law; and

Whereas, no objections were raised relating to the adequacy of the notice, publication or referral procedures followed; and

Whereas, at the public hearing, County Planning and Legal staff presented and explained the proposed changes and were questioned about the particulars of the proposed amendment and the justifications for the proposed amendment by the members of the Board of County Commissioners; and

Whereas, following the presentation by County staff, the Chairman provided opportunity for public comment to members of the public present at the hearing; and

Whereas, in consideration of such staff presentation and public comment made at the hearing the Board of County Commissioners makes the following findings:

- A. The Board of County Commissioners finds and determines that the statutory jurisdictional requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendment to the Land Development Code.
 1. That adequate opportunity for public input and comment on the proposed amendment to the Land Development Code has been provided.
 2. That the Board has jurisdiction to hear, consider and act upon the proposed amendment to the Land Development Code.
 3. That the Board considered and adopts the Findings outlined in the Board Summary Report, dated November 22, 2016, as follows:
 - a. The proposed changes to the Land Development Code are in conformance with the Arapahoe County Comprehensive Plan.
 - b. The Board has the authority to amend provisions of the Land Development Code as proposed.
 - c. The proposed amendment complies with the applicable state law and the Land Development Code policies and procedures for amendments as set forth in the Code, including public notification requirements.
- B. The Board of County Commissioners hereby concludes that the proposed amendments to the Land Development Code are appropriate to address land development in the County, that the changes will not adversely effect the community's interest in reasonable stability in the zoning regulations and subdivision regulations, and that the changes are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to adopt the revisions to the Zoning Regulations, in the Land Development Code, as presented in the staff report and as shown in the Exhibit [A or B] attached hereto, with stipulations for approval as follows:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. The amendments to Chapter 13 of the Land Development Code adopted hereby, shall become effective and will be integrated into the existing Code on April 1, 2017.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code and consistent with the Code amendment for Chapter 13 Zoning Procedures adopted by this Resolution, to be used in conjunction with the processing land development applications under the amended Code sections.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that upon the effective date and integration of these amendments to Chapter 13 of the Land Development Code on April 1, 2017, subject to further action of this Board, if any, such amendments adopted in this Resolution shall replace those sections of Chapter 13 amended hereby and such replaced sections shall be repealed.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.

13-100 PLANNED UNIT DEVELOPMENT¹

13-101 Purpose²

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally conform³ with the Arapahoe County Comprehensive Plan.

13-102 Applicability⁴

13-102.01 General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

13-102.02 Transition from Prior PUD Approvals⁵

- A. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before [effective date of these PUD amendments] shall remain valid under the previous PUD regulations. ⁶
- B. A PDP or FDP approved prior to the effective date of these amendments that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an

¹ New Planned Unit Development procedures drafted in 2016.

² Revised current section 13-101 Intent; reworded subsection 13-101.01; and deleted current subsection 13-101.02 as repetitive of PUD definition in Definitions section. Current subsection 13.101.03 relocated to new Approval Criteria section.

³ All instances where PUDs are required to be “consistent with” the comprehensive plan have been revised to require that they “generally conform” with the comprehensive plan, to match the text in the Colorado PUD Act.

⁴ New Section incorporating current subsections 13-102.01 and adding new language to address transition to new PUD process and how current PDPs, FDPs and MDPs are handled.

⁵ New section to explain how existing PDPs, FDPs and MDPs will be administered.

⁶ New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

approved SDP. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter.⁷

- C. A PDP or FDP approved prior to the effective date of these amendments that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.
- D. Where a PDP or FDP approved prior to the effective date lists specific permitted uses, the Planning Division Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Division Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use.⁸
- E. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.
- F. Applications filed after [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

13-103 Land Use and Development Standards⁹

13-103.01 Permitted Uses¹⁰

- A. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Division Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.

⁷ New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

⁸ New language to address how a change in use is processed in previously approved PDPs

⁹ New section -- May be relocated to PUD Zone District in reorganized LDC

¹⁰ New language incorporates special review from current section 13-103.04(A).

- G. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Division Manager, and the development plan does not state that the use is exempt from further review, those uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

13-103.02 Development Standards¹¹

- A. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.
- B. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.
- C. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 13-100.1 below.¹²

Table 13-100.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE	
Land Use	Minimum Amount of Open Space (Percentage of net site area)
Residential – up to 4 du/ac	10%
Residential – 4.1 to 10.9 du/ac	30%
Residential – 11 du/ac and higher	35%
Commercial or Public	20% for single story; plus 5% for each additional story, up to a maximum of 35%
Industrial	20%

- D. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.¹³

¹¹ Revises current section 13-102.10 to clarify that development standards can be modified by PUD.

¹² Current section 13-102.11 reformatted into a table with density standards from current sections 6-206, 6-306, and 6-406 included as reference for single-family, moderate density and high density.

¹³ Reworded and reorganized current section 13-105.02.07 and incorporates last two sentences of current section 13-102.04. Revises current text to clarify that PUD can modify LDC standards and to reference similar uses (rather than zone districts) and address who determines which standards apply when a PUD does not address a standard.

13-104 General Procedures¹⁴

All PUD applications for amending the Zoning Map shall follow the procedures outlined in this Section 13-100. A zoning map amendment to a conventional zone district shall follow the procedures as established in Section 13-200 of this LDC.¹⁵

13-104.01 Who May File¹⁶

- A. An application for a PUD zoning amendment may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
- B. The Board of County Commissioners shall have the power to condition approval of land use applications upon the receipt of signatures of additional persons with record interests in the land that is the subject of the land use application.
- C. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

13-104.02 Application Process¹⁷

13-104.02.01 Pre-Submittal Meeting¹⁸

- A. Applicants are required to meet with the Planning Division prior to formal submittal of a PUD application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.
- B. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Procedures Manual along with any required fees.
- C. The application and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.

13-104.02.02 Application Submittal and Materials¹⁹

Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development proposed, the location of the project, and the service availability to the project site.

¹⁴ Consolidates, rewords and renames current sections 13-102 and 13-104 as noted. Some procedures may be relocated to common procedures in reorganized LDC.

¹⁵ Carries forward and rewords current sections 13-102.01 and 13-102.04.

¹⁶ Carries forward current sections 13-102.02, 13-102.08, and 13-102.09

¹⁷ New section consolidating common application procedures. Changes are as noted.

¹⁸ Current subsection 13-104.01, reworded to reflect revisions to PUD section. Deletes provision for waiving of pre-submittal meeting for ASPs submitted pursuant to an MDP because new PUD process is linked to the ASP process (current section 13-400) which requires a pre-submittal meeting. Requirement in current subsection 13-104.01 to hold pre-submittal meeting within 5 business days has not been carried forward.

¹⁹ Incorporates and rewords current sections 13-102.09, 13-104.02, 13-105.02.01, and 13-106; deletes/relocates requirement for PUD applications submitted after Nov. 1, 1999 comply with provisions of current section 13-105

- A. All applications shall include the forms provided by the Planning Division and all required items indicated on the Submittal Matrix provided to the applicant at the pre-submittal meeting.
- B. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.
- C. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed PUD.

13-104.02.03 Application Fee²⁰

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county's website.

13-104.02.04 Completeness Determination²¹

- A. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
- B. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
- C. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
- D. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- E. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any PUD document based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

²⁰ New section combining all references to application fees

²¹ Expands current subsection 13-403.02 to all PUD application types and clarifies process for determining completeness of application.

13-104.02.05 Referral²²

After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

A. REVIEW BY OUTSIDE AGENCIES

1. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
2. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
3. The referral period is up to thirty (30) days depending on the size and complexity of the application. The referral period may be extended by mutual consent of the applicant and the Planning Division Manager or designee.
4. Failure of an agency to respond within the prescribed time period or extension period may be deemed "no objection" to the application materials as circulated for referral.

B. REVIEW AND COORDINATION OF REFERRAL COMMENTS²³

Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application's compliance with the approval criteria in Section 13-106, the applicable standards of this LDC, any standard included in a previously-approved PUD-related document applicable to the same property and the requirements of referral agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

C. REVISION OF APPLICATION

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

1. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be requested to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within the timeframes listed in subsection 13-104.07.²⁴
2. If a public hearing is required and the applicant chooses not to make the requested revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.
3. If a public hearing is not required and the applicant chooses not to make the requested revisions, Arapahoe County staff may deny the application or may

²² Carries forward and rewords current sections 13-104.03 thru 13-104.05

²³ Current section 13-104.04 and 13-104.05.

²⁴ New provision. Required time frame for completing revisions is the same as the time frame for completing documents required upon approval.

approve the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments.

13-104.03 Notice Requirements²⁵

- A. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.
- B. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Chapter 17 of this LDC, except that mail notification shall be sent at least fifteen (15) days prior to the Public Hearing
- C. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

13-104.04 Public Hearing²⁶

- A. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.
- B. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
- C. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

13-104.05 Decision and Findings²⁷

- A. The decision-making body shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other

²⁵ Current sections 13.102.03, 13-104.05, 13-104.10 and 13-104.11. Current section 13-104.11 regarding removal of posted signs will be relocated to Notice and Hearing section in LDC reorganization or included in Procedures Manual.

²⁶ Current section 13-104.06 and 13-104.07

²⁷ Current sections 13-104.08(A) and (B) and 13-105.03 (A) and (B). Deletes subsection 13-105.03(C), ratification of Planning Commission action by BOCC, to reflect revised decision-making process of new 2-Step and 3-Step processes. Deletes section 13-104.08 (B) referencing BOCC authority to require public hearing for final site plans to conform to new 2-Step and 3-Step process.

evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:

1. Approve;
 2. Approve with conditions;
 3. Continue to a date certain;
 4. Take the request under advisement to a date certain; or
 5. Deny the application.
- B. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
- C. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 13-106.
- D. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable.²⁸
1. Copies of the Board of County Commissioners' resolution may be obtained at the office of the Clerk and Recorder.
 2. For General and Specific Development Plans, the official County Zoning Map will be revised to reflect the PUD zone district after date of the final approval by the Board of County Commissioners.²⁹
 3. Copies of the Planning Commission's decision may be obtained at the Planning Division.
 4. Administrative decisions shall be in writing and may be obtained at the Planning Division.

13-104.06 Withdrawal and Reapplication³⁰

- A. The Planning Division Manager may allow an application to be withdrawn, without prejudice, at any time during the process.
- B. If denied by the Board, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.
- C. The resubmittal of a General Development Plan or Specific Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial.³¹

13-104.07 Lapse of Approval through Inaction³²

- A. If all required documentation is not submitted within 60 days of the approval of an application by the approving authority for that application, the application will be considered inactive and the applicant will be sent a notice that if submittal is not

²⁸ Current section 13-104.12, revised to reflect new 2-Step and 3-Step process, adding Planning Commission and administrative decisions.

²⁹ Deletes signing of mylar and replaces with final approval date. Deletes reference to conventional zone districts.

³⁰ Current section 13-104.09, with appeal of Planning Division Manager's decision deleted.

³¹ Provision for requesting a reconsideration of a reapplication denial has not been carried forward.

³² Current sections 13-110.11.01 and 14-307A (MDP & Subdivision).

received within 30 days of the date of the notice all application materials will be returned to the applicant. Reactivation will require a resubmittal.

- B. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

13-104.08 Extensions³³

- A. The Planning Division Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 13 for up to twelve (12) months, upon a written request by the applicant or staff for good cause shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.
- B. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the development plan may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.
- C. The denial of an extension by the Planning Division Manager may be appealed to the original approving body in writing within ten (10) working days of the decision by the Planning Division Manager.

13-104.09 Recording Requirements³⁴

Prior to the County's mapping or recognition of an approved PUD, the approved GDP and approved SDP may be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of the approved GDP and SDP and associated documents shall occur within 90 days after approval by the Board. An extension may be granted in writing by the Planning Division Manager pursuant to Section 13-104.08.

13-104.10 Zoning Map Requirements³⁵

For purposes of mapping, notice and general information, the PUD shall be identified with a label of "PUD".

13-104.11 Requirements for Permits after Approval³⁶

- A. Approval of a PUD GDP or SDP does not give the applicant authority to build. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior to development of the site.

³³ Current sections 13-110.11.02 thru 13-110.11.04 and 14-307B thru D (MDP & Subdivision) and revises appeal authority to the original approving body rather than BOCC to align with new Two-Step and Three-Step approval authorities.

³⁴ New provision for PUD - Copies and rewords current section 14-306, recording requirements for subdivision

³⁵ Revises current section 13-102.04 to eliminate association of PUD with an underlying zone district.

³⁶ Current section 13-104.13, updated to conform to new PUD process and to specify need to get additional approvals and permits as required by LDC and outside agencies. Deletes requirement for signed mylar and adds that all required documents must be completed prior to submission of an ASP.

- B. An application for an Administrative Site Plan under a PUD may be submitted only after an SDP is approved and all required documents have been submitted and recorded (if applicable).
- C. An application for an Administrative Site Plan on land that has not been subdivided may only be submitted after a subdivision of land has been approved and all required subdivision documents have been submitted, signed by the county (if required) and recorded (if applicable).
- D. Building permits may be issued after an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

13-105 Specific Procedures³⁷

13-105.01 Summary Table of PUD Applications and Decision-Making Authority³⁸

Two paths to PUD approval are available. The Two-Step process applies when the proposed development qualifies for the Two-Step procedure as specified in this Land Development Code and the applicant desires, and is able, to submit detailed plans for a specific development to the Board of County Commissioners. The Three-Step procedure applies when the proposed development does not qualify for the Two-Step process as provided in this Land Development Code or the applicant desires, or is able, to only submit general information about anticipated development on the site to the Board of County Commissioners, and in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE R = Review D = Decision <> Public Hearing)			
Process	Staff	PC	BOCC
Two-Step Process			
PUD Specific Development Plan	R	<R>	<D>
Administrative Site Plan	D		
Three-Step Process			
PUD General Development Plan	R	<R>	<D>
PUD Specific Development Plan	R	<D>	
Administrative Site Plan	D		

13-105.02 Eligibility for Two-Step or Three-Step Process³⁹

- A. ~~For property predominantly located west of the line shown in Figure 13-100.1, a~~ PUD application that meets one of the following three conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:

³⁷ New section replacing current sections 13-101.05, 13-101.06 and all of section 13-103

³⁸ New table summarizing decision-making authority for revised PUD process. See sections below on Two-Step and Three –Step process for thresholds for each type of review.

³⁹ New section detailing what types of development can apply for Two-step PUD process. Revised since public draft to include a smaller threshold for the older, more built up area of the county.

1. A project that includes only single-family detached residential dwelling units located on less than 10 acres of land and has a density no greater than ~~10~~six dwelling units per acre.⁴⁰
2. A project where all of the following apply:
 - a. The application includes residential land uses on all or any portion of the site; and
 - b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
 - c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and⁴¹
 - d. The total size of the project is five acres or less in land area;⁴² and
 - e. No building exceeds 40 feet in height.⁴³
3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.⁴⁴

~~B. For property predominantly located east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:~~

- ~~1. A project that includes only single-family detached residential dwelling units located on less than 40 acres of land.⁴⁵~~
- ~~2. A project where all of the following apply;~~
 - ~~a. The application includes residential land uses on all or any portion of the site; and~~
 - ~~b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and~~
 - ~~c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and⁴⁶~~
 - ~~d. The total size of the project is 20 acres or less in land area;⁴⁷ and~~
 - ~~e. No building exceeds 55 feet in height.~~
- ~~3. A project that includes only nonresidential uses, provided that no building exceeds 55 feet in height.~~

~~C. B.~~ All other projects shall be reviewed through the Three-Step PUD review process.

~~D. C.~~ Even if a PUD application is eligible under subsection A ~~or B~~ above, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or

⁴⁰ Revised since ~~public draft~~Planning Commission public hearing; changed from ~~20 acres to 10 acres and 10 dwelling units per acre~~ maximum density ~~threshold added to six dwelling units per acre.~~

⁴¹ New provision since public draft per comments from ADSCC.

⁴² Revised since public draft; changed from 20 acres to 5 acres maximum size.

⁴³ Revised since public draft; changed from 55 feet to 40 feet.

⁴⁴ Revised since public draft; changed from 55 feet to 40 feet.

~~⁴⁵ Revised since public draft; changed from 20 acres to 40 acres and maximum density threshold added.~~

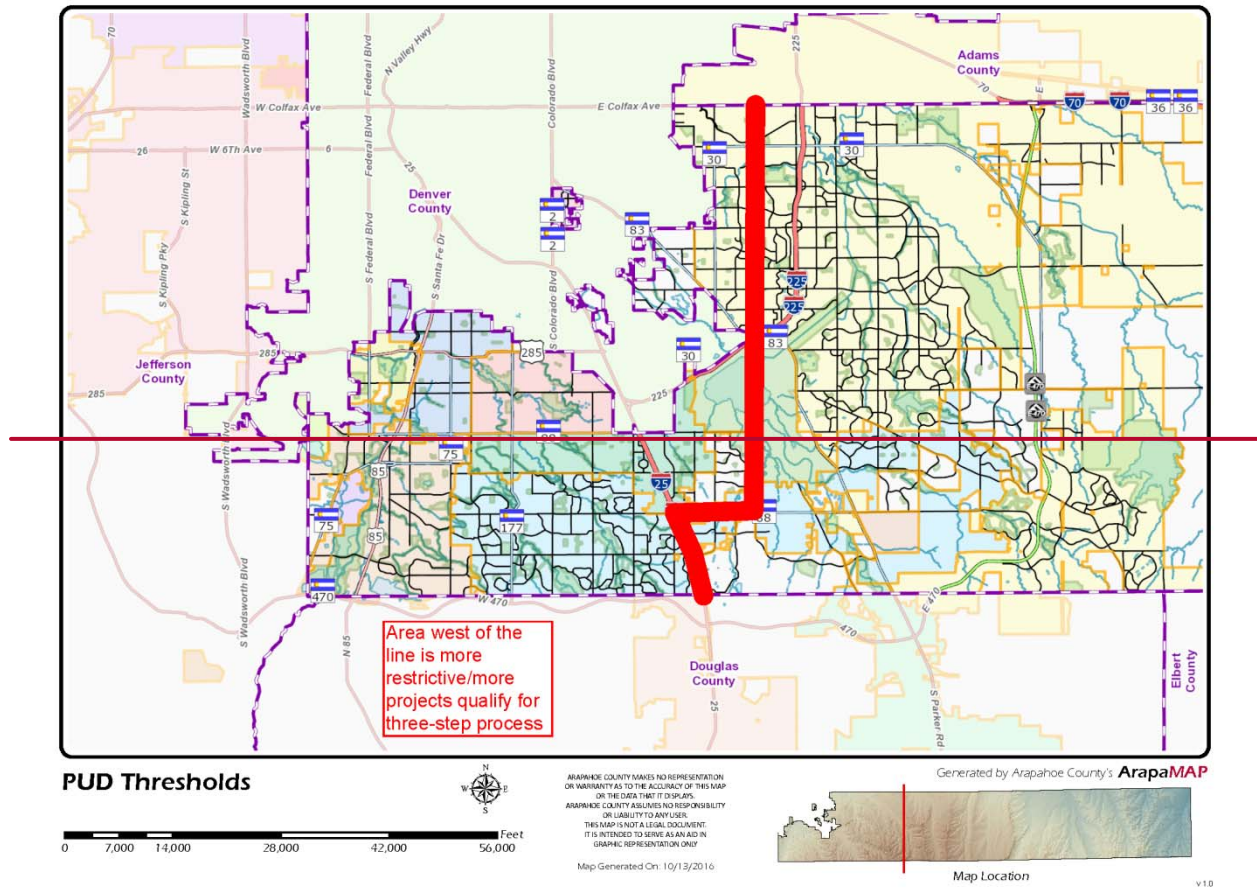
~~⁴⁶ New provision since public draft per comments from ADSCC.~~

~~⁴⁷ Revised since public draft; changed from 10 acres to 20 acres maximum size.~~

service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

Figure 13-100.1 Boundary for Two-Step PUD Process Eligibility Threshold

(Note: This map is a general depiction; the line begins at the northern boundary of Arapahoe County and travels south along the Peoria Street right of way, across I-225 to S Peoria Street, then south to Arapahoe Road, then west to I-25, then south along I-25 to the southern boundary of Arapahoe County)



13-105.03 Two-Step Process⁴⁸

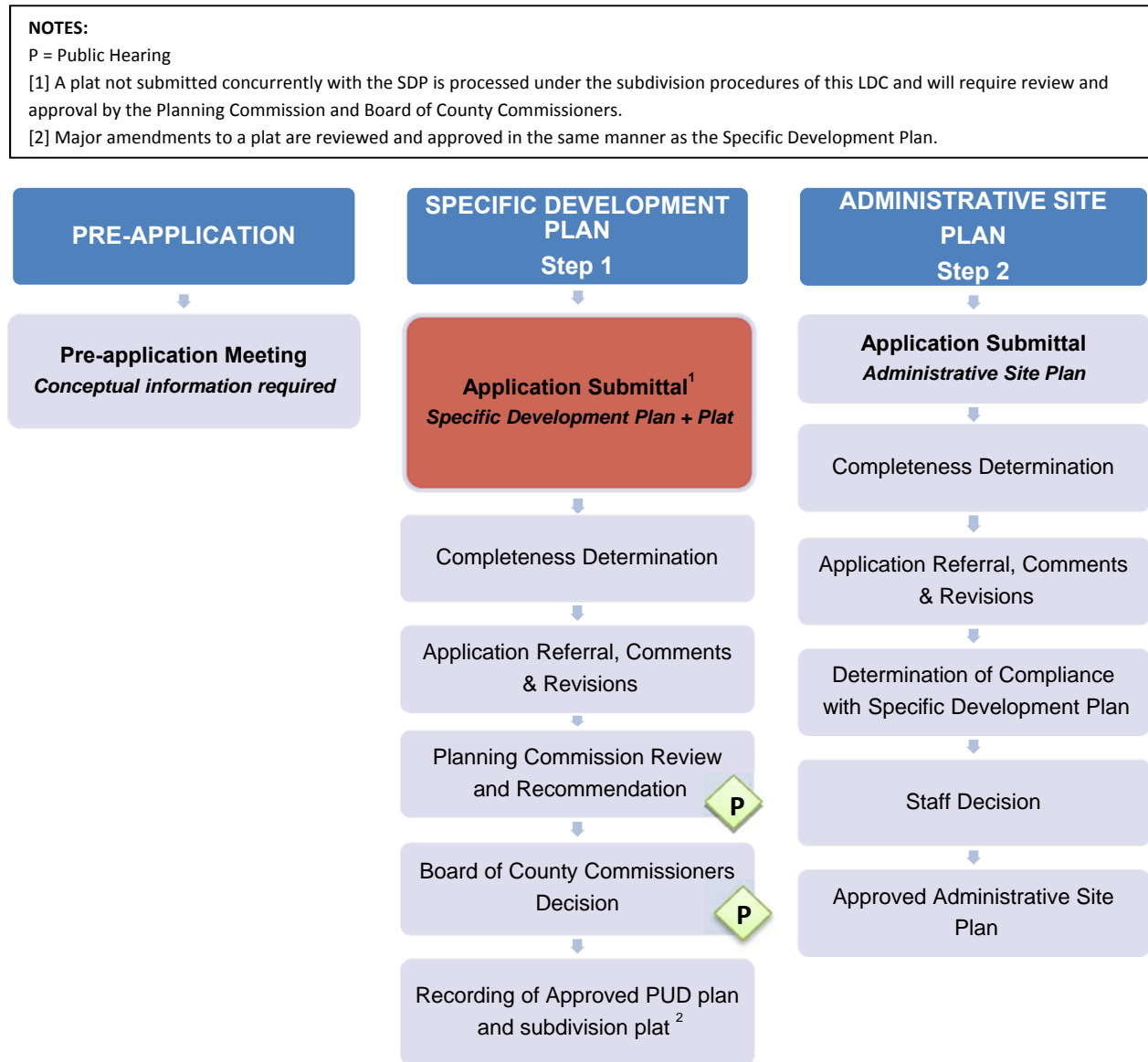
Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before obtaining a building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(B)(1) below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 13-105.04.

A. Flowchart

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.

⁴⁸ New section explaining Specific Development Plan. Definition of Specific Development Plan to be added to Definitions section.

Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process



B. Step One - Specific Development Plan (SDP)⁴⁹

1. SDP Application

An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

⁴⁹ Consolidates and replaces current lengthy and repetitive list of submittal and plan exhibit requirements in Sections 13-107, 13-108 and 13-109.

- a. If the application qualifies under 13-105.02(A)(1) ~~or 13-105(B)(1)~~, the requirement for a SDP shall be satisfied by the submittal of:
 - i. A document meeting all applicable requirements in subsection 13-105.04(B)(1) of this LDC, and the Procedures Manual; and
 - ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.⁵⁰
- b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) ~~or 13-105.02(B)(1)~~ above, the application shall include the following:
 - i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:
 - Specific location and land area for each type of land use;
 - Density and unit type for residential areas;
 - Size, floor area and building type for non-residential areas;
 - Location, size and access for parking areas for non-residential and multi-family residential;
 - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
 - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
 - Backbone infrastructure location, layout and system connections (civil construction engineering not required).
 - ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.
 - iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings⁵¹ including materials palette, building design features and building elevations showing the quality of each type of use in the PUD.
 - iv. Preliminary technical reports at conceptual level (civil construction engineering not required):
 - Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;

⁵⁰ Added to allow small developments of all single-family home to be processed through the Two-Step review process, per recommendation of ADSCC.

⁵¹ Landscaping and building reference added.

- Water source and service capacity;
 - Sewage treatment and service capacity;
 - Phase 2 storm drainage management system and capacity report;⁵²
 - Natural hazard mitigation and resource protection at Phase 1 level; and
 - Other utility and public safety provider district requirements.
- v. Copies of any special covenants, conditions and restrictions.
 - vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).
 - vii. Development phasing plan.
 - viii. Development agreement, if applicable.

2. SDP Review and Approval

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements:

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
- c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

C. Step Two – Administrative Site Plan (ASP)⁵³

1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

- a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.
- b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

⁵² Modified since prior draft to clarify that a Phase 2 study is needed at this point.

⁵³ New section and language replacing current Section 13-110 with role of and requirements for Administrative Site Plan. Cross-reference to current ASP section, 13-400, which will be updated to include compliance with Specific Development Plan.

2. ASP Review and Approval

The general procedures for ASP review are as follows:

- a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
- b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
- c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

13-105.04 Three-Step Process⁵⁴

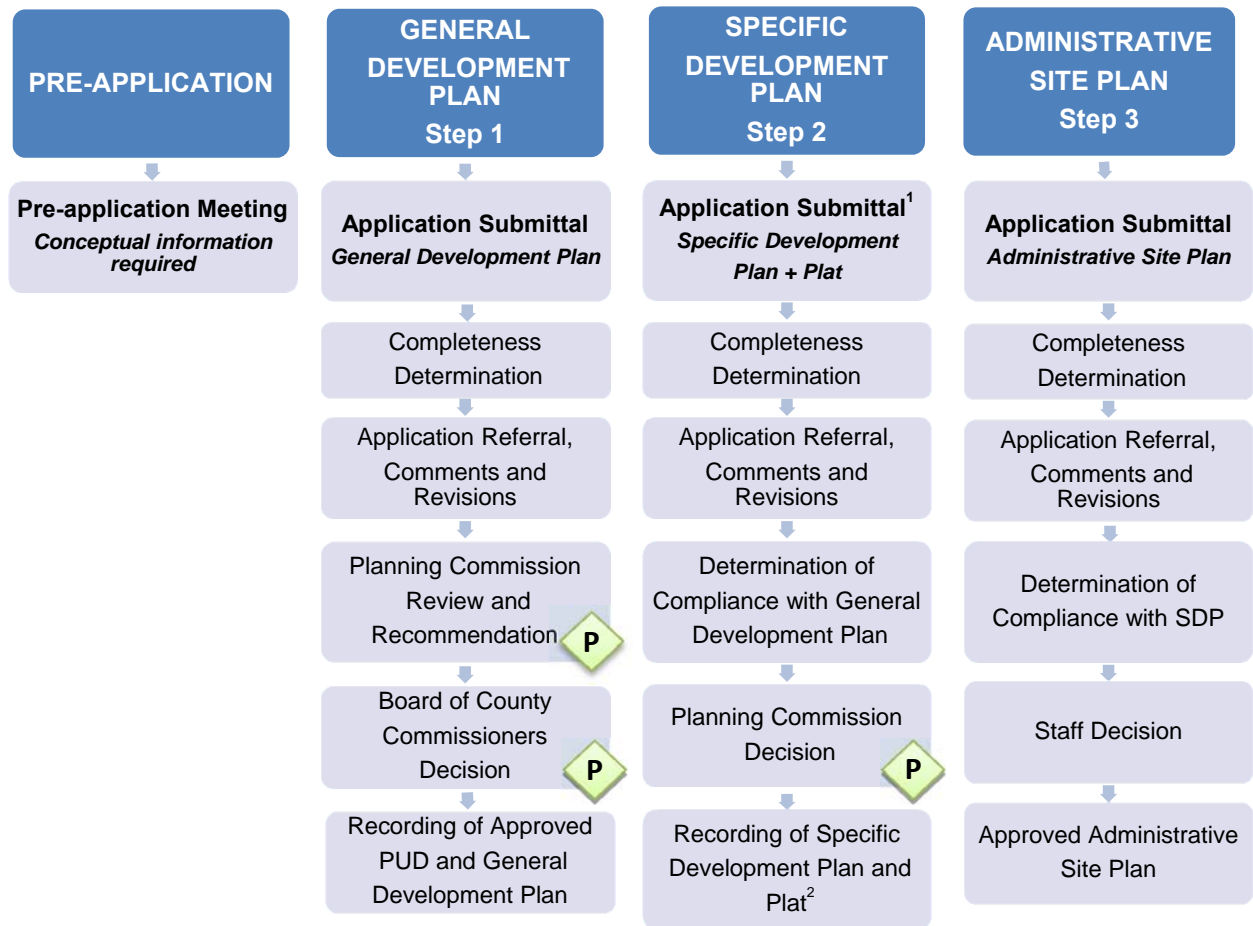
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 13-105.02, is not able to provide the high level of detail about the proposed PUD as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1), the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

A. Flowchart

Figure 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.

⁵⁴ New section explaining General Development Plan. Revises current section 13-103.01 to conform to new PUD process. Definitions for General Development Plan, Specific Development Plan and Administrative Site Plan will be included in Definitions section in Module 2.

Figure 13-100.3 Summary of Procedure for PUD Three-Step Review Process



NOTES:

P = Public Hearing

[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.

[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 13-107 for minor and major amendment criteria.

B. Step One - General Development Plan (GDP)⁵⁵

1. GDP Application

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:⁵⁶

⁵⁵ Current section 13-105.02.03, 13-105.02.04, 13-105.02.06

⁵⁶ Current Section 13-107 with repetitious provisions deleted and common submittal requirements included in General Submittal Requirements.

- a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
- b. The maximum development density/intensity on different portions of the site;
- c. The maximum building heights on different portions of the site;
- d. Existing and proposed locations of arterial and collector streets;
- e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
- f. Evidence that required infrastructure and drainage will be provided by and is within the infrastructure and capacity of the applicable service provider(s), which evidence may be in the form of “will-serve” letters from service provider(s), and which must include a Phase 1 storm drainage management system and capacity report. However, civil construction engineering drawings and specifications are not required at this point.⁵⁷

2. GDP REVIEW AND APPROVAL

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements.

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
- c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

C. Step Two - Specific Development Plan (SDP)

1. SDP Application

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 13-105.03(B)(1), with the following exceptions:

- a. If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
- b. The application shall include letters from all off-site service providers stating that there has been no change in the service provider’s ability to serve the site and proposed development.

2. SDP Review and Approval

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above, and the following requirements:

⁵⁷ Modified from earlier drafts to clarify that a Phase 1 study is needed at this point.

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106 below.

D. Step 3 - Administrative Site Plan (ASP)

1. ASP Application

Following the approval of an SDP, the applicant must obtain approval of an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and those of any applicable utility or service provider. Civil construction engineering documents are required at this stage.

- a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.
- b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

2. ASP Review and Approval

The general procedures for ASP review are as follows:

- a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
- b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
- c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

13-106 Approval Criteria⁵⁸

13-106.01 Approval Criteria for all PUD Applications⁵⁹

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if the proposal meets all of the following criteria and any applicable criteria in Sections 13-106.02 and 13-106.03 below:

- A. It generally conforms to the Arapahoe County Comprehensive Plan; and

⁵⁸ New section with new criteria specific to PUDs. Current section 13-101.03 deleted as repetitious with the same standards in current section 13-201, Rezoning. Compliance with rezoning standards maintained and new PUD criteria added. Section 13-101.04 deleted as unnecessary with language in review sections cross-referencing the approval criteria of this section.

⁵⁹ New section with PUD approval criteria applicable to all PUD applications. All new language.

- B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and
- C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
- D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 of this LDC; and
- E. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
- F. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

13-106.02 Approval Criteria for General Development Plan (GDP) ⁶⁰

In addition to meeting the criteria in Section 13-106.01 above, a GDP must also meet the following criteria:

- A. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
- B. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
- C. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
- D. It provides or expands access to existing open space, and preserves and protects natural features; and
- E. It includes efficient general layouts for major water, sewer, and storm drainage areas.

13-106.03 Approval Criteria for Specific Development Plan (SDP) ⁶¹

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

13-106.04 Approval Criteria for Administrative Site Plan (ASP) ⁶²

An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

⁶⁰ New section with new language

⁶¹ New section with new language

⁶² New Section with new language

13-107 Amendments⁶³

13-107.01 Application for Amendments⁶⁴

- A. Amendments to an existing PUD Development Plan require either the signature of all current owners within the PUD, or in cases where the obtaining the signature of all such owners is not reasonably feasible, the signature of the owners(s) of the land where the proposed amendments would apply.
 - 1. For proposed amendments where it is not reasonably feasible to obtain the signature of all of the current owners within the PUD, the Planning Division Manager shall send a notice letter to all current owners in the PUD notifying them of the proposed amendment and stating there may be impacts to their property.
 - 2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendments is required.
- B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02.⁶⁵ The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.
- C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.
- D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.
- E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

13-107.02 Administrative Amendments⁶⁶

A. Eligibility for Administrative Amendments

Amendments to an SDP are eligible for administrative approval (meaning approval by the Planning Division Manager), provided that all of the following conditions are met:

⁶³ New section detailing PUD amendment process and standards for administrative versus minor amendments. This section applies to PUD development plans and related ASPs.

⁶⁴ New section detailing PUD amendment process and standards for administrative versus minor amendments. Cross-references to current section 13-500, Administrative Amendments, noted.

⁶⁵ New language referencing new administrative amendment section for SDPs and cross-referencing current LDC administrative amendment procedures for ASPs

⁶⁶ New section with new list identifying the point at which an amendment is complex enough for it to become a major amendment.

1. Land Uses

- a. No increase in the permitted number of residential dwelling units or no change in residential unit type (for instance: from single-family detached to single-family attached or to multi-family dwelling units).
- b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
- c. No change affecting an area greater than ⁶⁷five acres in size ~~for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.~~
 - i. ~~20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.~~
- d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent FDP) may be approved, subject to the limitations of Section 13-102.02(D).⁶⁸

2. Development Standards

- a. No increase in total lot coverage greater than ten percent.
- b. No decrease in setbacks greater than ten percent.
- c. No increase in residential density within any residential area shown on the SDP.
- d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public) greater than 10 percent.
- e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
- f. No increase in building height within 100 feet of residential property lines.
- g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
- h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
- i. No change to an area of the SDP greater than five acres in size. The Planning Division Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

3. Open Space/Buffers

- a. No change in the location of or access to allowed on open space.
- b. No decrease in open space.
- c. No decrease in the width of buffer areas adjacent to residential zone districts.

4. Utilities/Infrastructure

- a. No changes to of backbone infrastructure that would affect any property other than the applicant's property.

⁶⁷ ~~Different size threshold added since Public Draft for areas west of line shown in new Figure 13-100.1~~

⁶⁸ New language to address how a change in use not included on an FDP or SDP is processed when listed in approved PDPs and GDPs

- b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.
- c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than ~~50~~25 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

5. **Location**

No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

6. **Ordinances**

No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

7. **Cumulative Effect**

The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

B. Approval Criteria⁶⁹

An Administrative Amendment may be approved by the Planning Division Manager provided the amendment:

1. Meets the conditions listed in subsection 13-107.02(A) above;
2. Does not result in a change to the overall character or intent of the PUD;
3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

13-107.03 Major Amendments⁷⁰

An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

⁶⁹ New section adapted from current section 13-517 (Approval Criteria for Administrative Amendment)

⁷⁰ Current section 13-102.07, reworded.

13-108 Appeals⁷¹

13-108.01 Administrative Decisions

- A. Appeals of any administrative decision authorized by this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Board of Adjustment.
 - 1. Such appeal must be made in writing within ten days after the decision.
 - 2. The appeal shall be scheduled for the next available Planning Commission meeting.
 - 3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.The decision of the Planning Commission shall be final.
- B. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.⁷²

13-108.02 Review of Planning Commission Decisions in Three-Step PUD⁷³

- A. An applicant for an SDP, or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP, may submit a written objection to the decision of the Planning Commission on the SDP.
 - 1. Written objection must be made to the Planning Division Manager within ten days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
 - 2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
 - 3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
 - 4. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 13-104.03, Notice Requirements.
 - 5. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.

⁷¹ New section clarifying authority to hear appeals and review decisions in new Two and Three-Step process. Replaces current section 13-110.04 and makes Planning Commission the review body for appeals of Administrative decisions to incorporate best practices recommended in the LDC Assessment. Incorporates current section 13-105.04(A). May be relocated to consolidated Appeals section in reorganized LDC.

⁷² Incorporated from current section 13-110.04(A)

⁷³ Current section 13-105.04, reformatted and including language to limit who may file a request to immediate neighbors and property owners, and to clarify that the applicant may request BOCC review.

- B. At any stage of the process for review of Planned Unit Development application under the Three-Step process, up to ten (10) calendar days following a decision of the Planning Commission on the application for an SDP, a majority of the members of the Board of County Commissioners may elect to call up the SDP application for a Public Hearing before the Board. Such Public Hearing will proceed following the hearing and determination of Planning Commission, will proceed *de novo*, and the final decision on the SDP will be made by the Board. Notice and procedure for such Board public hearing shall be as specified in this Code for other Public Hearings on Planned Unit Development applications.
- C. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision, under either subparts A or B of this Section 13-108.02, on an SDP is a final decision.

13-109 Vested Property Rights⁷⁴

13-109.01 General Applicability

- A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”:
 - 1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
 - 2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which such original or amended final subdivision plat has been recorded; and
 - 3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.
- B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved.⁷⁵

13-109.02 Vested Property Rights – General Provisions

- A. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.

⁷⁴ Current section 13-110.12 reorganized and reworded and to conform to new Two and Three-Step PUD process and General Development, Specific Development and Administrative Site Plan terminology. Clarifies that vesting takes place at ASP and can be granted with an SDP if specifically requested and required procedures for vesting are done concurrently if requested. Deletes language specifying that an ASP automatically receives the same vested rights as have been granted pursuant to the Vested Property Rights Act for the Specific Development Plan to which the ASP relates, for the same period of vesting which remains for the SDP at the time the ASP is approved. The vesting section may be relocated into another section (i.e. not the PUD provisions) in a reorganized LDC.

⁷⁵ Current 13-110.12, with wording clarified.

- B. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.
- C. The process for seeking a “vested property right” is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

A. Notice Requirements and Public Hearing

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

B. Vesting Period

If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act (CRS 24-68-101, *et seq.*, as amended).

C. Criteria

- 1. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:
- 2. Being required to pay compensation to the affected landowner, and
- 3. Injury to others, and
- 4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

D. Application Requirements

- 1. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
- 2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

E. Specific Development Plan Determination⁷⁶

- 1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not require a plat or replat and that is being processed under the Two-Step process, the

⁷⁶ Current section references Administrative Site Plan. Revised to Specific Development Plan to align with proposed automatic vesting of ASPs.

Board hereby delegates the authority to hold the public hearing to the Planning Commission.

2. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that:
 - a. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that might require the county to modify its approval of the site specific development plan.
3. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

13-109.04 Development Agreement Procedures

The process for establishing a “vested property right” relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- Master Sign Plans,
- Master Drainage Plans,
- Master Traffic Studies,
- Customized review and approval processes, and
- Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

A. Notice Requirements and Public Hearing

1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

B. Criteria

The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;
3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

C. Vesting Period

If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

13-109.05 Notice of Approval of Vested Property Right

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-100 PLANNED UNIT DEVELOPMENT¹

13-101 Purpose²

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally conform³ with the Arapahoe County Comprehensive Plan.

13-102 Applicability⁴

13-102.01 General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

13-102.02 Transition from Prior PUD Approvals⁵

- A. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before [effective date of these PUD amendments] shall remain valid under the previous PUD regulations. ⁶
- B. A PDP or FDP approved prior to the effective date of these amendments that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an

¹ New Planned Unit Development procedures drafted in 2016.

² Revised current section 13-101 Intent; reworded subsection 13-101.01; and deleted current subsection 13-101.02 as repetitive of PUD definition in Definitions section. Current subsection 13.101.03 relocated to new Approval Criteria section.

³ All instances where PUDs are required to be “consistent with” the comprehensive plan have been revised to require that they “generally conform” with the comprehensive plan, to match the text in the Colorado PUD Act.

⁴ New Section incorporating current subsections 13-102.01 and adding new language to address transition to new PUD process and how current PDPs, FDPs and MDPs are handled.

⁵ New section to explain how existing PDPs, FDPs and MDPs will be administered.

⁶ New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

approved SDP. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter.⁷

- C. A PDP or FDP approved prior to the effective date of these amendments that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.
- D. Where a PDP or FDP approved prior to the effective date lists specific permitted uses, the Planning Division Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Division Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use.⁸
- E. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.
- F. Applications filed after [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

13-103 Land Use and Development Standards⁹

13-103.01 Permitted Uses¹⁰

- A. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Division Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.

⁷ New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

⁸ New language to address how a change in use is processed in previously approved PDPs

⁹ New section -- May be relocated to PUD Zone District in reorganized LDC

¹⁰ New language incorporates special review from current section 13-103.04(A).

- G. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Division Manager, and the development plan does not state that the use is exempt from further review, those uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

13-103.02 Development Standards¹¹

- A. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.
- B. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.
- C. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 13-100.1 below.¹²

Table 13-100.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE	
Land Use	Minimum Amount of Open Space (Percentage of net site area)
Residential – up to 4 du/ac	10%
Residential – 4.1 to 10.9 du/ac	30%
Residential – 11 du/ac and higher	35%
Commercial or Public	20% for single story; plus 5% for each additional story, up to a maximum of 35%
Industrial	20%

- D. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.¹³

¹¹ Revises current section 13-102.10 to clarify that development standards can be modified by PUD.

¹² Current section 13-102.11 reformatted into a table with density standards from current sections 6-206, 6-306, and 6-406 included as reference for single-family, moderate density and high density.

¹³ Reworded and reorganized current section 13-105.02.07 and incorporates last two sentences of current section 13-102.04. Revises current text to clarify that PUD can modify LDC standards and to reference similar uses (rather than zone districts) and address who determines which standards apply when a PUD does not address a standard.

13-104 General Procedures¹⁴

All PUD applications for amending the Zoning Map shall follow the procedures outlined in this Section 13-100. A zoning map amendment to a conventional zone district shall follow the procedures as established in Section 13-200 of this LDC.¹⁵

13-104.01 Who May File¹⁶

- A. An application for a PUD zoning amendment may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
- B. The Board of County Commissioners shall have the power to condition approval of land use applications upon the receipt of signatures of additional persons with record interests in the land that is the subject of the land use application.
- C. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

13-104.02 Application Process¹⁷

13-104.02.01 Pre-Submittal Meeting¹⁸

- A. Applicants are required to meet with the Planning Division prior to formal submittal of a PUD application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.
- B. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Procedures Manual along with any required fees.
- C. The application and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.

13-104.02.02 Application Submittal and Materials¹⁹

Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development proposed, the location of the project, and the service availability to the project site.

¹⁴ Consolidates, rewords and renames current sections 13-102 and 13-104 as noted. Some procedures may be relocated to common procedures in reorganized LDC.

¹⁵ Carries forward and rewords current sections 13-102.01 and 13-102.04.

¹⁶ Carries forward current sections 13-102.02, 13-102.08, and 13-102.09

¹⁷ New section consolidating common application procedures. Changes are as noted.

¹⁸ Current subsection 13-104.01, reworded to reflect revisions to PUD section. Deletes provision for waiving of pre-submittal meeting for ASPs submitted pursuant to an MDP because new PUD process is linked to the ASP process (current section 13-400) which requires a pre-submittal meeting. Requirement in current subsection 13-104.01 to hold pre-submittal meeting within 5 business days has not been carried forward.

¹⁹ Incorporates and rewords current sections 13-102.09, 13-104.02, 13-105.02.01, and 13-106; deletes/relocates requirement for PUD applications submitted after Nov. 1, 1999 comply with provisions of current section 13-105

- A. All applications shall include the forms provided by the Planning Division and all required items indicated on the Submittal Matrix provided to the applicant at the pre-submittal meeting.
- B. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.
- C. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed PUD.

13-104.02.03 Application Fee²⁰

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county's website.

13-104.02.04 Completeness Determination²¹

- A. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
- B. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
- C. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
- D. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- E. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any PUD document based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

²⁰ New section combining all references to application fees

²¹ Expands current subsection 13-403.02 to all PUD application types and clarifies process for determining completeness of application.

13-104.02.05 Referral²²

After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

A. REVIEW BY OUTSIDE AGENCIES

1. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
2. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
3. The referral period is up to thirty (30) days depending on the size and complexity of the application. The referral period may be extended by mutual consent of the applicant and the Planning Division Manager or designee.
4. Failure of an agency to respond within the prescribed time period or extension period may be deemed "no objection" to the application materials as circulated for referral.

B. REVIEW AND COORDINATION OF REFERRAL COMMENTS²³

Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application's compliance with the approval criteria in Section 13-106, the applicable standards of this LDC, any standard included in a previously-approved PUD-related document applicable to the same property and the requirements of referral agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

C. REVISION OF APPLICATION

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

1. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be requested to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within the timeframes listed in subsection 13-104.07.²⁴
2. If a public hearing is required and the applicant chooses not to make the requested revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.
3. If a public hearing is not required and the applicant chooses not to make the requested revisions, Arapahoe County staff may deny the application or may

²² Carries forward and rewords current sections 13-104.03 thru 13-104.05

²³ Current section 13-104.04 and 13-104.05.

²⁴ New provision. Required time frame for completing revisions is the same as the time frame for completing documents required upon approval.

approve the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments.

13-104.03 Notice Requirements²⁵

- A. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.
- B. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Chapter 17 of this LDC, except that mail notification shall be sent at least fifteen (15) days prior to the Public Hearing
- C. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

13-104.04 Public Hearing²⁶

- A. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.
- B. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
- C. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

13-104.05 Decision and Findings²⁷

- A. The decision-making body shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other

²⁵ Current sections 13.102.03, 13-104.05, 13-104.10 and 13-104.11. Current section 13-104.11 regarding removal of posted signs will be relocated to Notice and Hearing section in LDC reorganization or included in Procedures Manual.

²⁶ Current section 13-104.06 and 13-104.07

²⁷ Current sections 13-104.08(A) and (B) and 13-105.03 (A) and (B). Deletes subsection 13-105.03(C), ratification of Planning Commission action by BOCC, to reflect revised decision-making process of new 2-Step and 3-Step

evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:

1. Approve;
 2. Approve with conditions;
 3. Continue to a date certain;
 4. Take the request under advisement to a date certain; or
 5. Deny the application.
- B. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
- C. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 13-106.
- D. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable.²⁸
1. Copies of the Board of County Commissioners' resolution may be obtained at the office of the Clerk and Recorder.
 2. For General and Specific Development Plans, the official County Zoning Map will be revised to reflect the PUD zone district after date of the final approval by the Board of County Commissioners.²⁹
 3. Copies of the Planning Commission's decision may be obtained at the Planning Division.
 4. Administrative decisions shall be in writing and may be obtained at the Planning Division.

13-104.06 Withdrawal and Reapplication³⁰

- A. The Planning Division Manager may allow an application to be withdrawn, without prejudice, at any time during the process.
- B. If denied by the Board, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.
- C. The resubmittal of a General Development Plan or Specific Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial.³¹

13-104.07 Lapse of Approval through Inaction³²

- A. If all required documentation is not submitted within 60 days of the approval of an application by the approving authority for that application, the application will be

processes. Deletes section 13-104.08 (B) referencing BOCC authority to require public hearing for final site plans to conform to new 2-Step and 3-Step process.

²⁸ Current section 13-104.12, revised to reflect new 2-Step and 3-Step process, adding Planning Commission and administrative decisions.

²⁹ Deletes signing of mylar and replaces with final approval date. Deletes reference to conventional zone districts.

³⁰ Current section 13-104.09, with appeal of Planning Division Manager's decision deleted.

³¹ Provision for requesting a reconsideration of a reapplication denial has not been carried forward.

³² Current sections 13-110.11.01 and 14-307A (MDP & Subdivision).

considered inactive and the applicant will be sent a notice that if submittal is not received within 30 days of the date of the notice all application materials will be returned to the applicant. Reactivation will require a resubmittal.

- B. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

13-104.08 Extensions³³

- A. The Planning Division Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 13 for up to twelve (12) months, upon a written request by the applicant or staff for good cause shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.
- B. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the development plan may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.
- C. The denial of an extension by the Planning Division Manager may be appealed to the original approving body in writing within ten (10) working days of the decision by the Planning Division Manager.

13-104.09 Recording Requirements³⁴

Prior to the County's mapping or recognition of an approved PUD, the approved GDP and approved SDP may be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of the approved GDP and SDP and associated documents shall occur within 90 days after approval by the Board. An extension may be granted in writing by the Planning Division Manager pursuant to Section 13-104.08.

13-104.10 Zoning Map Requirements³⁵

For purposes of mapping, notice and general information, the PUD shall be identified with a label of "PUD".

13-104.11 Requirements for Permits after Approval³⁶

- A. Approval of a PUD GDP or SDP does not give the applicant authority to build. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior to development of the site.

³³ Current sections 13-110.11.02 thru 13-110.11.04 and 14-307B thru D (MDP & Subdivision) and revises appeal authority to the original approving body rather than BOCC to align with new Two-Step and Three-Step approval authorities.

³⁴ New provision for PUD - Copies and rewords current section 14-306, recording requirements for subdivision

³⁵ Revises current section 13-102.04 to eliminate association of PUD with an underlying zone district.

³⁶ Current section 13-104.13, updated to conform to new PUD process and to specify need to get additional approvals and permits as required by LDC and outside agencies. Deletes requirement for signed mylar and adds that all required documents must be completed prior to submission of an ASP.

- B. An application for an Administrative Site Plan under a PUD may be submitted only after an SDP is approved and all required documents have been submitted and recorded (if applicable).
- C. An application for an Administrative Site Plan on land that has not been subdivided may only be submitted after a subdivision of land has been approved and all required subdivision documents have been submitted, signed by the county (if required) and recorded (if applicable).
- D. Building permits may be issued after an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

13-105 Specific Procedures³⁷

13-105.01 Summary Table of PUD Applications and Decision-Making Authority³⁸

Two paths to PUD approval are available. The Two-Step process applies when the proposed development qualifies for the Two-Step procedure as specified in this Land Development Code and the applicant desires, and is able, to submit detailed plans for a specific development to the Board of County Commissioners. The Three-Step procedure applies when the proposed development does not qualify for the Two-Step process as provided in this Land Development Code or the applicant desires, or is able, to only submit general information about anticipated development on the site to the Board of County Commissioners, and in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE R = Review D = Decision <> Public Hearing)			
Process	Staff	PC	BOCC
Two-Step Process			
PUD Specific Development Plan	R	<R>	<D>
Administrative Site Plan	D		
Three-Step Process			
PUD General Development Plan	R	<R>	<D>
PUD Specific Development Plan	R	<D>	
Administrative Site Plan	D		

³⁷ New section replacing current sections 13-101.05, 13-101.06 and all of section 13-103

³⁸ New table summarizing decision-making authority for revised PUD process. See sections below on Two-Step and Three –Step process for thresholds for each type of review.

13-105.02 Eligibility for Two-Step or Three-Step Process³⁹

- A. For property predominantly located west of the line shown in Figure 13-100.1, a PUD application that meets one of the following three conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
 - 1. A project that includes only single-family detached residential dwelling units located on less than 10 acres of land and has a density no greater than six⁴⁰ dwelling units per acre.⁴¹
 - 2. A project where all of the following apply:
 - a. The application includes residential land uses on all or any portion of the site; and
 - b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
 - c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and⁴²
 - d. The total size of the project is five acres or less in land area;⁴³ and
 - e. No building exceeds 40 feet in height.⁴⁴
 - 3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.⁴⁵
- B. For property predominantly located east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
 - 1. A project that includes only single-family detached residential dwelling units up to six⁴⁶ dwellings per acre located on less than 40 acres of land.⁴⁷
 - 2. A project where all of the following apply:
 - a. The application includes residential land uses on all or any portion of the site; and
 - b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
 - c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and⁴⁸
 - d. The total size of the project is 20 acres or less in land area;⁴⁹ and

³⁹ New section detailing what types of development can apply for Two-step PUD process. Revised since public draft to include a smaller threshold for the older, more built up area of the county.

⁴⁰ Revised per Planning Commission recommendation.

⁴¹ Revised since public draft; changed from 20 acres to 10 acres and maximum density threshold added.

⁴² New provision since public draft per comments from ADSCC.

⁴³ Revised since public draft; changed from 20 acres to 5 acres maximum size.

⁴⁴ Revised since public draft; changed from 55 feet to 40 feet.

⁴⁵ Revised since public draft; changed from 55 feet to 40 feet.

⁴⁶ Revised based on Planning Commission's density recommendation.

⁴⁷ Revised since public draft; changed from 20 acres to 40 acres and maximum density threshold added.

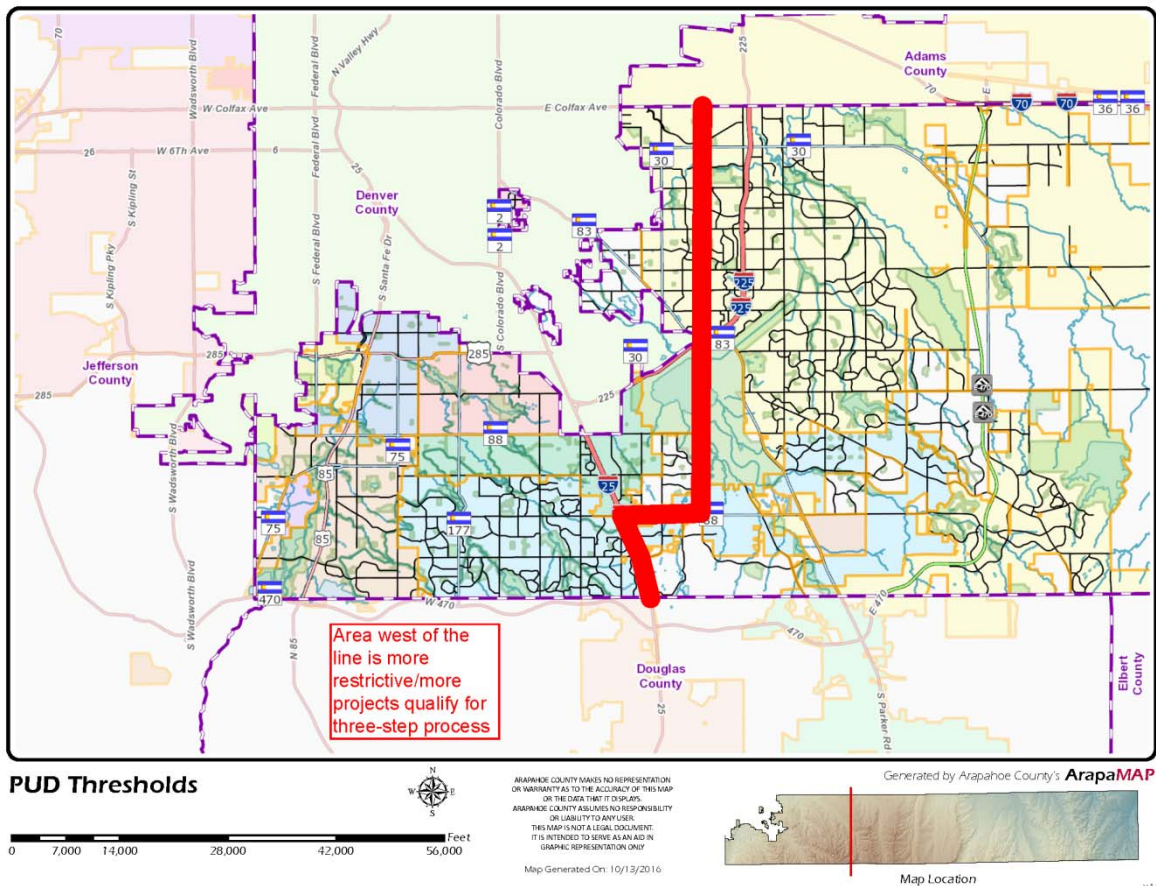
⁴⁸ New provision since public draft per comments from ADSCC.

⁴⁹ Revised since public draft; changed from 10 acres to 20 acres maximum size.

- e. No building exceeds 40⁵⁰ feet in height.
- 3. A project that includes only nonresidential uses, provided that no building exceeds 40⁵¹ feet in height.
- C. All other projects shall be reviewed through the Three-Step PUD review process.
- D. Even if a PUD application is eligible under subsection A or Babove, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

Figure 13-100.1 Boundary for Two-Step PUD Process Eligibility Threshold

(Note: This map is a general depiction; the line begins at the northern boundary of Arapahoe County and travels south along the Peoria Street right of way, across I-225 to S Peoria Street, then south to Arapahoe Road, then west to I-25, then south along I-25 to the southern boundary of Arapahoe County)



⁵⁰ Revised from 55 feet to 40 feet based on Planning Commission recommendation.

⁵¹ Revised from 55 feet to 40 feet based on Planning Commission recommendation.

13-105.03 Two-Step Process⁵²

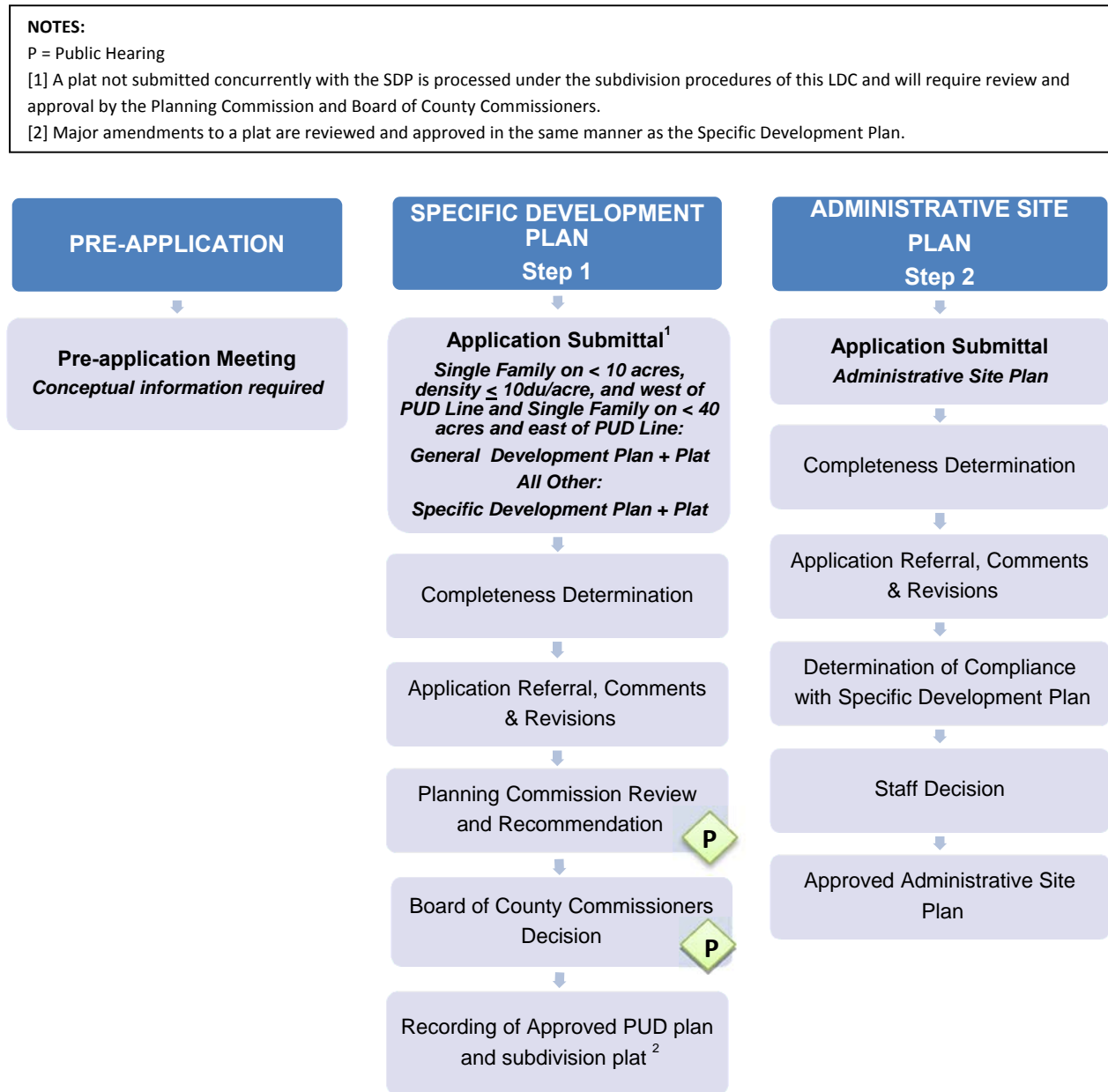
Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before obtaining a building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(B)(1) below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 13-105.04.

A. Flowchart

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.

⁵² New section explaining Specific Development Plan. Definition of Specific Development Plan to be added to Definitions section.

Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process



B. Step One - Specific Development Plan (SDP)⁵³

⁵³ Consolidates and replaces current lengthy and repetitive list of submittal and plan exhibit requirements in Sections 13-107, 13-108 and 13-109.

1. SDP Application

An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

- a. If the application qualifies under 13-105.02(A)(1) or 13-105(B)(1), , the requirement for a SDP shall be satisfied by the submittal of:⁵⁴
 - i. A document meeting all applicable requirements in subsection 13-105.04(B)(1) of this LDC, and the Procedures Manual; and
 - ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.⁵⁵
- b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) or 13-105.02(B)(1) above, the application shall include the following:
 - i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:
 - Specific location and land area for each type of land use;
 - Density and unit type for residential areas;
 - Size, floor area and building type for non-residential areas;
 - Location, size and access for parking areas for non-residential and multi-family residential;
 - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
 - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
 - Backbone infrastructure location, layout and system connections (civil construction engineering not required).
 - ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.
 - iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings⁵⁶ including materials palette, building design features and building elevations showing the quality of each type of use in the PUD.

⁵⁴ Revised since public draft per comments from ADSCC. Changed from 20 acres to 40 acres maximum size.

⁵⁵ Added to allow small developments of all single-family home to be processed through the Two-Step review process, per recommendation of ADSCC.

⁵⁶ Landscaping and building reference added.

- iv. Preliminary technical reports at conceptual level (civil construction engineering not required):
 - Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;
 - Water source and service capacity;
 - Sewage treatment and service capacity;
 - Phase 2 storm drainage management system and capacity report;⁵⁷
 - Natural hazard mitigation and resource protection at Phase 1 level; and
 - Other utility and public safety provider district requirements.
- v. Copies of any special covenants, conditions and restrictions.
- vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).
- vii. Development phasing plan.
- viii. Development agreement, if applicable.

2. SDP Review and Approval

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements:

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
- c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

C. Step Two – Administrative Site Plan (ASP)⁵⁸

1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

⁵⁷ Modified since prior draft to clarify that a Phase 2 study is needed at this point.

⁵⁸ New section and language replacing current Section 13-110 with role of and requirements for Administrative Site Plan. Cross-reference to current ASP section, 13-400, which will be updated to include compliance with Specific Development Plan.

- a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.
- b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

2. **ASP Review and Approval**

The general procedures for ASP review are as follows:

- a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
- b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
- c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

13-105.04 **Three-Step Process**⁵⁹

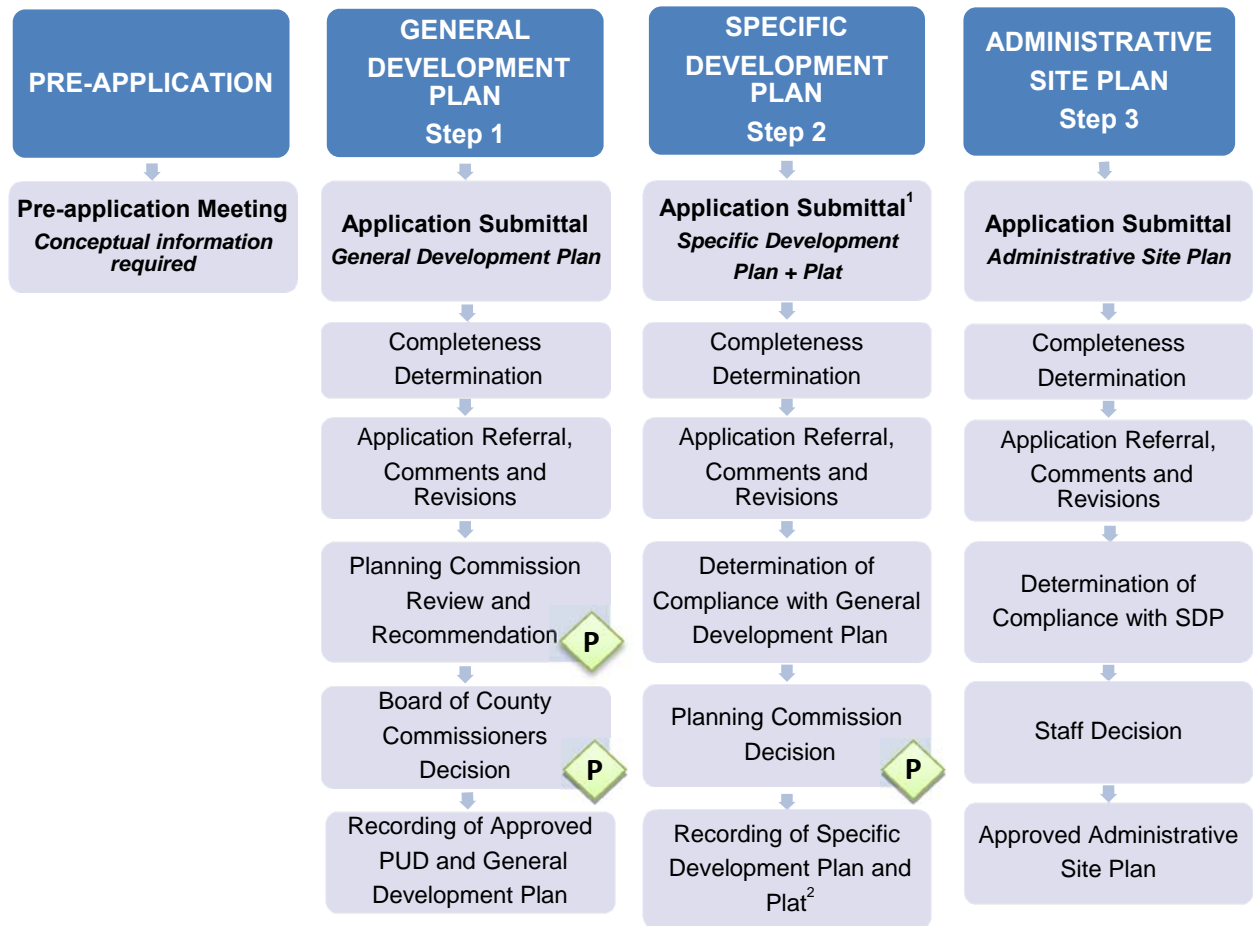
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 13-105.02, is not able to provide the high level of detail about the proposed PUD as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1), the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

A. Flowchart

Figure 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.

⁵⁹ New section explaining General Development Plan. Revises current section 13-103.01 to conform to new PUD process. Definitions for General Development Plan, Specific Development Plan and Administrative Site Plan will be included in Definitions section in Module 2.

Figure 13-100.3 Summary of Procedure for PUD Three-Step Review Process



NOTES:

P = Public Hearing

[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.

[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 13-107 for minor and major amendment criteria.

B. Step One - General Development Plan (GDP)⁶⁰

1. GDP Application

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:⁶¹

⁶⁰ Current section 13-105.02.03, 13-105.02.04, 13-105.02.06

⁶¹ Current Section 13-107 with repetitious provisions deleted and common submittal requirements included in General Submittal Requirements.

- a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
- b. The maximum development density/intensity on different portions of the site;
- c. The maximum building heights on different portions of the site;
- d. Existing and proposed locations of arterial and collector streets;
- e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
- f. Evidence that required infrastructure and drainage will be provided by and is within the infrastructure and capacity of the applicable service provider(s), which evidence may be in the form of “will-serve” letters from service provider(s), and which must include a Phase 1 storm drainage management system and capacity report. However, civil construction engineering drawings and specifications are not required at this point.⁶²

2. GDP REVIEW AND APPROVAL

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements.

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
- c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

C. Step Two - Specific Development Plan (SDP)

1. SDP Application

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 13-105.03(B)(1), with the following exceptions:

- a. If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
- b. The application shall include letters from all off-site service providers stating that there has been no change in the service provider’s ability to serve the site and proposed development.

⁶² Modified from earlier drafts to clarify that a Phase 1 study is needed at this point.

2. SDP Review and Approval

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above, and the following requirements:

- a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- b. The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106 below.

D. Step 3 - Administrative Site Plan (ASP)

1. ASP Application

Following the approval of an SDP, the applicant must obtain approval of an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and those of any applicable utility or service provider. Civil construction engineering documents are required at this stage.

- a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.
- b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

2. ASP Review and Approval

The general procedures for ASP review are as follows:

- a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
- b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
- c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

13-106 Approval Criteria⁶³

13-106.01 Approval Criteria for all PUD Applications ⁶⁴

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if

⁶³ New section with new criteria specific to PUDs. Current section 13-101.03 deleted as repetitious with the same standards in current section 13-201, Rezoning. Compliance with rezoning standards maintained and new PUD criteria added. Section 13-101.04 deleted as unnecessary with language in review sections cross-referencing the approval criteria of this section.

⁶⁴ New section with PUD approval criteria applicable to all PUD applications. All new language.

the proposal meets all of the following criteria and any applicable criteria in Sections 13-106.02 and 13-106.03 below:

- A. It generally conforms to the Arapahoe County Comprehensive Plan; and
- B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and
- C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
- D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 of this LDC; and
- E. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
- F. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

13-106.02 Approval Criteria for General Development Plan (GDP) ⁶⁵

In addition to meeting the criteria in Section 13-106.01 above, a GDP must also meet the following criteria:

- A. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
- B. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
- C. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
- D. It provides or expands access to existing open space, and preserves and protects natural features; and
- E. It includes efficient general layouts for major water, sewer, and storm drainage areas.

13-106.03 Approval Criteria for Specific Development Plan (SDP) ⁶⁶

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

13-106.04 Approval Criteria for Administrative Site Plan (ASP) ⁶⁷

An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

⁶⁵ New section with new language

⁶⁶ New section with new language

⁶⁷ New Section with new language

13-107 Amendments⁶⁸

13-107.01 Application for Amendments⁶⁹

- A. Amendments to an existing PUD Development Plan require either the signature of all current owners within the PUD, or in cases where the obtaining the signature of all such owners is not reasonably feasible, the signature of the owners(s) of the land where the proposed amendments would apply.
 - 1. For proposed amendments where it is not reasonably feasible to obtain the signature of all of the current owners within the PUD, the Planning Division Manager shall send a notice letter to all current owners in the PUD notifying them of the proposed amendment and stating there may be impacts to their property.
 - 2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendments is required.
- B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02.⁷⁰ The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.
- C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.
- D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.
- E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

13-107.02 Administrative Amendments⁷¹

A. Eligibility for Administrative Amendments

Amendments to an SDP are eligible for administrative approval (meaning approval by the Planning Division Manager), provided that all of the following conditions are met:

⁶⁸ New section detailing PUD amendment process and standards for administrative versus minor amendments. This section applies to PUD development plans and related ASPs.

⁶⁹ New section detailing PUD amendment process and standards for administrative versus minor amendments. Cross-references to current section 13-500, Administrative Amendments, noted.

⁷⁰ New language referencing new administrative amendment section for SDPs and cross-referencing current LDC administrative amendment procedures for ASPs

⁷¹ New section with new list identifying the point at which an amendment is complex enough for it to become a major amendment.

1. Land Uses

- a. No increase in the permitted number of residential dwelling units or no change in residential unit type (for instance: from single-family detached to single-family attached or to multi-family dwelling units).
- b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
- c. No change affecting an area greater than:⁷²
 - i. Five acres in size for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.
 - ii. 20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.
- d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent (FDP) may be approved, subject to the limitations of Section 13-102.02(D).⁷³

2. Development Standards

- a. No increase in total lot coverage greater than ten percent.
- b. No decrease in setbacks greater than ten percent.
- c. No increase in residential density within any residential area shown on the SDP.
- d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public) greater than 10 percent.
- e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
- f. No increase in building height within 100 feet of residential property lines.
- g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
- h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
- i. No change to an area of the SDP greater than five acres in size. The Planning Division Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

3. Open Space/Buffers

- a. No change in the location of or access to allowed on open space.
- b. No decrease in open space.
- c. No decrease in the width of buffer areas adjacent to residential zone districts.

4. Utilities/Infrastructure

- a. No changes to of backbone infrastructure that would affect any property other than the applicant's property.

⁷² Different size threshold added since Public Draft for areas west of line shown in new Figure 13-100.1

⁷³ New language to address how a change in use not included on an FDP or SDP is processed when listed in approved PDPs and GDPs

- b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.
- c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than 25⁷⁴ feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

5. Location

No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

6. Ordinances

No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

7. Cumulative Effect

The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

B. Approval Criteria⁷⁵

An Administrative Amendment may be approved by the Planning Division Manager provided the amendment:

1. Meets the conditions listed in subsection 13-107.02(A) above;
2. Does not result in a change to the overall character or intent of the PUD;
3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

13-107.03 Major Amendments⁷⁶

An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

⁷⁴ Revised from 50 feet to 25 feet per Planning Commission recommendation.

⁷⁵ New section adapted from current section 13-517 (Approval Criteria for Administrative Amendment)

⁷⁶ Current section 13-102.07, reworded.

13-108 Appeals⁷⁷

13-108.01 Administrative Decisions

- A. Appeals of any administrative decision authorized by this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Board of Adjustment.
 - 1. Such appeal must be made in writing within ten days after the decision.
 - 2. The appeal shall be scheduled for the next available Planning Commission meeting.
 - 3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.The decision of the Planning Commission shall be final.
- B. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.⁷⁸

13-108.02 Review of Planning Commission Decisions in Three-Step PUD⁷⁹

- A. An applicant for an SDP, or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP, may submit a written objection to the decision of the Planning Commission on the SDP.
 - 1. Written objection must be made to the Planning Division Manager within ten days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
 - 2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
 - 3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
 - 4. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 13-104.03, Notice Requirements.
 - 5. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.

⁷⁷ New section clarifying authority to hear appeals and review decisions in new Two and Three-Step process. Replaces current section 13-110.04 and makes Planning Commission the review body for appeals of Administrative decisions to incorporate best practices recommended in the LDC Assessment. Incorporates current section 13-105.04(A). May be relocated to consolidated Appeals section in reorganized LDC.

⁷⁸ Incorporated from current section 13-110.04(A)

⁷⁹ Current section 13-105.04, reformatted and including language to limit who may file a request to immediate neighbors and property owners, and to clarify that the applicant may request BOCC review.

- B. At any stage of the process for review of Planned Unit Development application under the Three-Step process, up to ten (10) calendar days following a decision of the Planning Commission on the application for an SDP, a majority of the members of the Board of County Commissioners may elect to call up the SDP application for a Public Hearing before the Board. Such Public Hearing will proceed following the hearing and determination of Planning Commission, will proceed *de novo*, and the final decision on the SDP will be made by the Board. Notice and procedure for such Board public hearing shall be as specified in this Code for other Public Hearings on Planned Unit Development applications.
- C. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision, under either subparts A or B of this Section 13-108.02, on an SDP is a final decision.

13-109 Vested Property Rights⁸⁰

13-109.01 General Applicability

- A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”:
 - 1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
 - 2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which such original or amended final subdivision plat has been recorded; and
 - 3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.
- B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved.⁸¹

13-109.02 Vested Property Rights – General Provisions

- A. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.

⁸⁰ Current section 13-110.12 reorganized and reworded and to conform to new Two and Three-Step PUD process and General Development, Specific Development and Administrative Site Plan terminology. Clarifies that vesting takes place at ASP and can be granted with an SDP if specifically requested and required procedures for vesting are done concurrently if requested. Deletes language specifying that an ASP automatically receives the same vested rights as have been granted pursuant to the Vested Property Rights Act for the Specific Development Plan to which the ASP relates, for the same period of vesting which remains for the SDP at the time the ASP is approved. The vesting section may be relocated into another section (i.e. not the PUD provisions) in a reorganized LDC.

⁸¹ Current 13-110.12, with wording clarified.

- B. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.
- C. The process for seeking a “vested property right” is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

A. Notice Requirements and Public Hearing

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

B. Vesting Period

If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act (CRS 24-68-101, *et seq.*, as amended).

C. Criteria

- 1. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:
- 2. Being required to pay compensation to the affected landowner, and
- 3. Injury to others, and
- 4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

D. Application Requirements

- 1. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
- 2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

E. Specific Development Plan Determination⁸²

- 1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not

⁸² Current section references Administrative Site Plan. Revised to Specific Development Plan to align with proposed automatic vesting of ASPs.

require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.

2. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that:
 - a. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that might require the county to modify its approval of the site specific development plan.
3. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

13-109.04 Development Agreement Procedures

The process for establishing a “vested property right” relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- Master Sign Plans,
- Master Drainage Plans,
- Master Traffic Studies,
- Customized review and approval processes, and
- Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

A. Notice Requirements and Public Hearing

1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

B. Criteria

The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;
3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

C. Vesting Period

If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

13-109.05 Notice of Approval of Vested Property Right

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
1 November 2016
6:30 PM

W16-002 Land Development Code Amendment to Chapter 13
Planned Unit Development Process

Jason Reynolds, Current Planning Program Manager

20 October 2016

PROPOSAL:

Planning Staff proposes updates to replace Section 13-100 (Planned Unit Development), Section 13-400 (Administrative Site Plan), Section 13-155 (Administrative Amendment), and 13-600 (Technical Amendment)

STAFF RECOMMENDATION:

Staff recommends approval of Case No. W16-002 based on the findings outlined in this staff report and with the conditions as noted.

I. BACKGROUND INFORMATION

Based on feedback from our land development customers, we need to make significant changes to both our land development processes and the codes supporting those processes. In recent months, the County has begun implementing some recommended changes, including electronic plan review. We can make some incremental improvements, but to truly respond to our customer feedback, we need to update the code. Updates will also bring our processes more in line with current practices by local governments with respect to levels of decision-making for land development approvals.

In 2015, the County contracted with Clarion Associates to prepare a Land Development Code Assessment, which identified and prioritized a number of problems with our current code and processes. The top priority was to improve Arapahoe County's Planned Unit Development (PUD) system. The draft code amendment would implement those recommended improvements by decreasing the amount of detail required early in the process, allowing more administrative approvals for lower impact projects or where greater detail can be committed early in the process, and creating more flexibility in the administrative amendment process.

II. DISCUSSION

Staff reviewed this application for compliance with the Comprehensive Plan and the Zoning Regulations and reviewed all background activity and comments from referral agencies. The following sections summarize the proposed changes and discuss public outreach, the Comprehensive Plan, Align Arapahoe, and outside referrals.

Proposed Changes:

Currently, the PUD code requires two steps: a Preliminary Development Plan (PDP) and a Final Development Plan (FDP). Both of those steps require hearings at Planning

Commission and the Board of County Commissioners. For a graphic comparison of the current process and the proposed process, please refer to the attached code. The proposed code includes three types of plans:

- General Development Plan – a very general document showing proposed zoning areas and listing allowed uses;
- Specific Development Plan – a plan showing more detail about development standards, landscaping, buildings, and how the site relates to surrounding properties; and
- Administrative Site Plan – a plan including more precise detail about landscaping, infrastructure, grading, lighting, architecture and other details.

This section highlights a number of proposed changes (as well as things that will remain the same).

13-102.02 – Transition from Prior PUD Approvals

This section describes how the county will address its large number of older Planned Unit Developments. Existing approvals will remain in place. If an existing PDP or FDP provides the same level of detail as a Specific Development Plan, the existing plan can be treated as an SDP. The transition regulations also allow administrative amendments to uses within an FDP if those uses will have minimal impact and if they comply with the approved PDP.

13-103.02 – Development Standards (Open Space Requirements table)

This table requires the same open space as the existing regulations.

13-104 – General Provisions

This section provides the general processing requirements. The proposed changes clarify and consolidate a number of sections.

13-105 – Specific Provisions

The proposed code creates two options for developers: a two-step process and a three-step process. Both processes require an initial set of public hearings at both Planning Commission and the Board of County Commissioners; that initial step establishes the PUD zoning parameters, similar to the existing PDP process.

If a project qualifies for a two-step process, subsequent approvals within that site will be administratively reviewed. If a project does not qualify for a two-step process, the developer must submit a Specific Development Plan for review and approval by the Planning Commission.

The following table illustrates the decision-making authority in both the two-step and the three step process:

TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE R = Review D = Decision <> Public Hearing)			
Process	Staff	PC	BOCC
Two-Step Process			
PUD Specific Development Plan	R	<R>	<D>
Administrative Site Plan	D		
Three-Step Process			
PUD General Development Plan	R	<R>	<D>
PUD Specific Development Plan	R	<D>	
Administrative Site Plan	D		

There are two primary requirements for the two-step process. First, an applicant must provide a more detailed plan (the Specific Development Plan) for public hearing with the Planning Commission and Board of County Commissioners. Second, the project must meet other eligibility requirements for the two-step process outlined in the code.

Generally, projects that are larger, feature higher densities, and have the potential for greater impacts will need to follow the three-step process. Additionally, projects that submit only a less-detailed General Development Plan for approval of the Planning Commission and Board of County Commissioners will need to follow the three-step process.

Based on both developer and neighborhood feedback, the proposed regulations include different standards for the more urban/developed areas and for more suburban/developing areas. The developing areas have more flexibility while the more restrictive areas feature rules that help protect mature neighborhoods. Areas generally west of Peoria Street (including Four Square Mile) require lower densities, smaller development areas, and more moderate building heights for two-step process eligibility than in the less restrictive eastern/suburban areas. Please see the BOCC Board Summary Report for a revised version of the following chart:



13-106 – Approval Criteria

The existing code includes approval criteria in the “Intent” section. This new “Approval Criteria” section clearly identifies the approval criteria, including general conformance with the Comprehensive Plan.

This section also requires a PUD to represent an improvement in quality over otherwise applicable zoning districts. This has been difficult to achieve under the current Land Development Code. Additional conventional zoning districts will be considered for adoption in a future amendment intended to coordinate with the modified PUD code. The effective dates of these are proposed to be coordinated, as well. The intent is to encourage greater use of conventional zone districts and less reliance on PUD processes than occurs under our current code, which has no marketable options for residential development, in particular within conventional zone districts. These new districts will also help to set the bar for determining whether a PUD provides that improvement in quality sought through this process.

13-107 – Administrative Amendments

This section allows administrative amendments to Specific Development Plans and Administrative Site Plans. The current code includes two different types of amendments (Administrative and Technical), and the proposed code eliminates the distinction between the two, which simplifies County processes. At present, however, a number of amendments must go through public hearings without clear benefit to the public for this additional cost and time.

The proposed code does not allow amendments to General Development Plans due to their very general nature and rough equivalence to zoning; zoning changes require public hearings and approval by the Board of County Commissioners.

13-108 – Appeals

If an applicant does not agree with an administrative decision (Administrative Site Plan), this section allows the applicant to appeal the decision to the Planning Commission.

This section also provides a process for reviews of Planning Commission decisions on Specific Development Plans (SDP) in the three-step process. Currently, a Final Development Plan is placed on the Consent Agenda of the Board of County Commissioners (BOCC) following a recommendation of approval from the Planning Commission unless there is a written request for the BOCC to conduct a public hearing. The decision on whether to conduct a public hearing, in response to this request, lies with the BOCC.

Under the new process, the final decision on a Specific Development Plan in the three-step process lies with the Planning Commission. As there are concerns with citizens and land developers that there may, at times, be reasons that an application should be further considered by the Board of County Commissioners, the new process allows for either an applicant or a resident/property owner within 200 feet of the boundary of an SDP to submit a written objection of the decision of the Planning Commission to the Board of County Commissioners. The BOCC would have discretion over whether to hold a review, and a majority vote of the Commissioners would be required in order for the BOCC to review the decision.

13-400, -500, and -600 – Administrative Site Plans, Amendments, and Technical Amendments

The proposed updates in these sections clarify how the new PUD chapter interacts with existing code. The updates also clarify that existing Administrative Amendment and Technical Amendment processes do not apply to the new PUD chapter; those PUDs will use the revised amendment process in Section 13-107.

Public Outreach:

In addition to the customer and staff outreach gathered during the Land Development Code Assessment, Staff conducted extensive public outreach for these proposed changes.

- Code summary and updates were provided on the County web site.
- Staff held several meetings with both the Arapahoe Development Services Coordinating Committee (ADSCC) and the Technical Advisory Committee (TAC). The ADSCC is a group of organizations, developers, and consultants who do development work in Arapahoe County, and the TAC is a group of individuals with land use expertise (designers, land use attorneys, and developers). The meetings on May 3, July 13, and September 14 helped refine the proposed code changes.
- The County hosted two public open houses on August 2 and August 9. Fewer than ten people attended those open houses.
- Referral agencies included 72 HOAs in addition to other review agencies. The only neighborhood group that responded was the Four Square Mile land use committee.
- Staff presented a summary of the proposed amendments at the September 13 Four Square Mile neighborhood meeting.
- Staff discussed the proposed amendments with the Four Square Mile land use committee on September 28.

Comprehensive Plan:

The revisions proposed are consistent with the purpose and direction of the Comprehensive Plan, specifically Policy GM 3 and Strategy 3.1(a):

GOAL GM 3 - Continue to Improve the County's Development Review Procedures

Arapahoe County will have an efficient development review process and may consider streamlined procedures as a means to promote desired land use patterns;

Strategy 3.1(a) - Identify Opportunities to Streamline the Development Review Process

The County will consider streamlining development review procedures for proposals that meet the policy intent of this Plan and that meet applicable standards and regulations.

The proposed amendment would create streamlined processes for land development applications and simplify the amendment process for existing and future PUD's.

Links to Align Arapahoe:

Service First

This project will improve the land use process and the service provided to the land development sector of our customers.

Quality of Life

The update of the land use code will improve the quality of the land uses within the County, thereby providing long-term sustainability.

Fiscal Responsibility

Land Use Code and Process improvements and modifications will make the land use process more efficient, which in turn attracts economic development and long-term sustainability of development in the County.

Referrals:

Staff forwarded referrals to the attached list of referral agencies and individuals requesting that referral responses be submitted during the outside referral comment period. A summary of the referrals and responses may be found in the attachments.

III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments, as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to Chapter 13 of the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.
2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.
3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.
4. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

IV. STAFF RECOMMENDATION

In the event that the Planning Commission concurs with the Staff's findings, as stated above, and wishes to forward a recommendation for Approval of the amendment to Chapter 13, as proposed or with changes, Staff has recommended the following Conditions of Approval, which are included in the draft motion:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, following approval by the Board of County Commissioners subsequent to a public hearing, will be effective and integrated into the existing Code concurrent with future adoption of a reorganization of the Land Development Code and may be concurrent with adoption of new proposed residential zone districts.

3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

NOTE: Planning Commission motions removed for BOCC packet.

Attachments

- Summary of Agency Responses
- Referral Comments
- Proposed Code Changes

Referral Agency Responses

Arapahoe County Attorney	Comments were incorporated in draft code.
Arapahoe County Engineering	Comments were incorporated in draft code.
Four Square Mile – Paul Hanley	<p>Requested different standards for urban areas, specifying that HOA's receive referrals, requiring in-person applicant meetings with HOA's/neighborhood associations, and other documentation.</p> <p><i>Urban area standards are now included in the draft code. The County considers HOA's to be an "agency" and already includes them in referrals (this will be clarified in documents supporting the code such as submittal/process checklists). Some of the requests can be addressed with the larger code update, which will touch on public notice and neighborhood meeting requirements.</i></p>
Centennial Planning	No comments.
Douglas County Planning	No comments.
East End Advisory Planning Commission	Carl Kroh – no comments. No responses from others.
IREA	No comments.
Jefferson County Planning	No concerns. They offered some suggestions for defining uses within open space; those could be incorporated in the next phase of the code update in 2017.
City of Lone Tree	No comments.
Xcel Energy	No comments.
Tri-County Health	No comments.
<p>We sent referrals to the following agencies and received no response: Arapahoe County Agencies not listed above, Byers Development Council, CENCON, Denver South Economic Development Partnership, DORA-HOA Office, May Farms, REAP, South Metro Denver Chamber, Urban Drainage, US Army Corps of Engineers, Adams County Planning, Aurora Planning, Bennett Planning, Bow Mar Planning, Cherry Hills Village Planning, Columbine Valley Planning, Deer Trail Planning, Denver Planning, Elbert County Planning, Englewood Planning, Glendale Planning, Greenwood Village Planning, Littleton Community Development, Parker Planning, Sheridan Planning, Weld County Planning, Bijou Telephone Co-Op, Centurylink, and Colorado Parks and Wildlife</p>	

Jason Reynolds

From: Hanley, Paul J. <PHanley@spencerfane.com>
Sent: Monday, October 03, 2016 9:59 AM
To: Mark Lampert; Jason Reynolds
Cc: Kevin Gross Alton Park; Lynn Sauve 7676 E Arizona Dr; Lisa @ CCVW; Jan Yeckes
Subject: RE: Proposed Land Development Code

All,

Here are my comments regarding the proposed Land Development Code:

1. There should be different standards for urban areas, such as 4SQM.
2. The standards for eligibility for the two-step process in §13-105.02 should be modified (at least for urban areas, such as 4SQM):
 - a. A height limitation of 40 feet for 4SQM in both §13-105.02(A)(1) & (2)(iv)(reduce from 55 feet).
 - b. §13-105.02(A)(1) should also have a limitation of dwelling units per acre limitation for new “high density single family detached residences”—perhaps 10 dwelling units per acre.
 - c. §13-105.02(A)(2)(i) should have a minimum requirement of a certain percentage of residential development—perhaps 50%.
 - d. In §13-105.02(A)(2)(iii) the ten acres should be reduced to five acres.
3. In §13-104.02.05 and §13-105.03.063.02 (and anywhere else a referral process is referenced), the referral process should be further refined:
 - a. Neighborhood associations, such as 4SQM, and surrounding HOAs should be explicitly a part of the referral process, not just “outside agencies.”
 - b. In person meetings should be required with representatives of neighborhood associations and HOAs.
 - c. Referrals should include the PUD documents or they should be available on the County’s website.
 - d. Full-size drawings should be made available to representatives of neighborhood associations and HOAs in advance of the meetings.
 - e. Detailed illustrations showing the general design and character, including landscaping plan should be made available to representatives of neighborhood associations and HOAs in advance of the meetings.
 - f. Traffic studies should also be made available to representatives of neighborhood associations and HOAs in advance of the meetings for projects more than 25 dwelling units or 15,000 square feet of non-residential floor area.
4. Signs at the proposed development site should include a reference to the County’s website where the application documents can be reviewed.
5. Notice of staff report completion should be provided to representatives of neighborhood associations and HOAs upon completion and made available on the County’s website.

Paul

Paul J. Hanley
Spencer Fane LLP
1700 Lincoln St. | Suite 2000 | Denver, Colorado 80203
(303) 839-3861 | phanley@spencerfane.com

From: Mark Lampert [mailto:mlampert@4edisp.net]
Sent: Wednesday, September 21, 2016 11:06 PM
To: Jason Reynolds
Cc: Hanley, Paul J.; Kevin Gross Alton Park; Lynn Sauve 7676 E Arizona Dr; Lisa @ CCVW; Jan Yeckes
Subject: 4SM meeting is set!

Jason:

We are all set for next Wednesday, September 28th at 6:00 pm at the Cherry Creek Valley Water and Sanitation District Office, 2325 S Wabash St, Denver, CO 80231.

There will be 5 of us present to go over some of the slides that Jan presented to the Sept 4SM meeting regarding this topic. We have some other ideas we would like to share with you on this subject.

Looking forward to seeing next week.

Mark Lampert
for the
4 Square Mile Neighborhoods



Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

Planning Division

Referral for LDC Code Updates

Case Number / Case Name:	W16-002 Land Development Code PUD Chapter Rewrite
Planner:	Jason Reynolds
Date:	Chuck Haskins
Date to be returned:	October 3, 2016

Arapahoe County Agencies for LDC Code Updates					
<input checked="" type="checkbox"/>	Adams Co. Community & Econ Development	Norman Wright	<input type="checkbox"/>	Elbert County Planning	
<input checked="" type="checkbox"/>	Adams Co. Long Range Strategic Planning	Abel Montoya	<input type="checkbox"/>	Englewood Planning	
<input checked="" type="checkbox"/>	Arapahoe County Assessor	Beverly Reynolds Karen Hart	<input type="checkbox"/>	Englewood Post Office	
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<input checked="" type="checkbox"/>	Arapahoe County Engineering	Chuck Haskins	<input type="checkbox"/>	Englewood W&S	
<input checked="" type="checkbox"/>	Arapahoe County Mapping	Pat Hubert	<input type="checkbox"/>	FAA- Denver Airport	
<input checked="" type="checkbox"/>	Arapahoe County Open Space	Raymond Winn	<input checked="" type="checkbox"/>	Four Square Mile Area	Mark Lampert (w/separate HOA referral)
<input type="checkbox"/>	Arapahoe County Planning	Jason Reynolds	<input checked="" type="checkbox"/>	Four Square Mile Neighborhoods	Paul Hanley (w/separate HOA referral)
<input checked="" type="checkbox"/>	Arapahoe County Sheriff	Glenn Thompson, Brian McKnight	<input checked="" type="checkbox"/>	Foxfield Planning	
<input type="checkbox"/>	Arapahoe County Weed Control	Russell Johnson	<input type="checkbox"/>	Front Range Airport	Bob Lewan
<input checked="" type="checkbox"/>	Arapahoe County Zoning	Tammy King	<input type="checkbox"/>	Glendale Fire Prevention	
<input type="checkbox"/>	Arapahoe Library District		<input checked="" type="checkbox"/>	Glendale Planning	
<input type="checkbox"/>	Arapahoe Park & Rec District		<input type="checkbox"/>	Goldsmith Gulch Sanitation	
<input type="checkbox"/>	ACWWA		<input type="checkbox"/>	Goldsmith Metro District	
<input type="checkbox"/>	Aurora Center Tech Metro District		<input type="checkbox"/>	Greenwood S Metro District	
<input type="checkbox"/>	Aurora Fire		<input checked="" type="checkbox"/>	Greenwood Village Planning	
<input checked="" type="checkbox"/>	Aurora Planning	Porter Ingrum	<input type="checkbox"/>	Havana W&S	
<input type="checkbox"/>	Aurora School District 28J		<input type="checkbox"/>	Highland Park Metro	
<input type="checkbox"/>	Bennett Fire Protection	Caleb Connor	<input type="checkbox"/>	HI-LIN W&S	
<input checked="" type="checkbox"/>	Bennett Planning	Trish Stiles	<input type="checkbox"/>	Hills at Cherry Creek Metro District	
<input type="checkbox"/>	Bennett Post Office		<input type="checkbox"/>	Holly Hills W&S	
<input type="checkbox"/>	Bennett School District		<input type="checkbox"/>	Inverness W&S Metro	
<input type="checkbox"/>	Bijou Telephone CO-OP		<input type="checkbox"/>		
<input type="checkbox"/>	Board Of Vet Medicine- State of Colorado		<input checked="" type="checkbox"/>	IREA	Brooks Kaufman
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<input type="checkbox"/>	Buckley Air Base	Katarzyna Kubiak- Smulka	<input type="checkbox"/>	Kings Point Metro District	
<input type="checkbox"/>	Byers Bus Development Council	Louis Otto	<input type="checkbox"/>	Landmark Metro District	
<input type="checkbox"/>	Byers Fire District 9	Peg Sale	<input type="checkbox"/>	Littleton Fire District	
<input type="checkbox"/>	Byers Park & Rec		<input checked="" type="checkbox"/>	Littleton Planning	
<input type="checkbox"/>	Byers Post Office		<input type="checkbox"/>	Littleton Post Office	
<input type="checkbox"/>	Byers School District 32J		<input type="checkbox"/>	Littleton School District 6	
<input type="checkbox"/>	Byers W&S		<input type="checkbox"/>	Liverpool Metro District	
<input type="checkbox"/>	Castlewood W&S		<input checked="" type="checkbox"/>	Lone Tree Planning	
<input type="checkbox"/>	Cherry Creek Neighborhood Assoc.		<input type="checkbox"/>	Lost Creek Groundwater Management	
<input type="checkbox"/>	CDOT Region 1		<input type="checkbox"/>	N Kiowa Bijou Groundwater District	

<input type="checkbox"/>	CDOT Region 6		<input type="checkbox"/>	Panorama Metro District	
<input type="checkbox"/>	CENCON		<input type="checkbox"/>	Panorama Park Architectural	
<input type="checkbox"/>	CENCON Plans Review		<input type="checkbox"/>	Parker Jordan Metro District	
<input type="checkbox"/>	Centennial 25 Metro District		<input checked="" type="checkbox"/>	Parker Planning	Steve Greer
<input type="checkbox"/>	Centennial Airport	Aaron Repp	<input type="checkbox"/>	Parker Rec District	
<input type="checkbox"/>			<input type="checkbox"/>	Piney Creek Vil. Metro District	
<input type="checkbox"/>	Centennial Downs Metro		<input type="checkbox"/>	Post Office-Arapahoe CO Growth Coordinator	Krissy Summerfield
<input checked="" type="checkbox"/>	Centennial Planning		<input type="checkbox"/>	Rangeview Metro District	
<input checked="" type="checkbox"/>	Centurylink	Charles Place	<input checked="" type="checkbox"/>	REAP I-70 Corridor	Gary Duke, Jack Keever
<input type="checkbox"/>	Chapparral Metro District		<input type="checkbox"/>	REAP	
<input type="checkbox"/>	Cherry Creek Basin W&S		<input type="checkbox"/>	Regional Air Quality Council	
<input type="checkbox"/>	Cherry Creek Bus Center Architectural		<input type="checkbox"/>	Rodent Control Department of Ag	
<input type="checkbox"/>	Cherry Creek School District		<input type="checkbox"/>	RTD	
<input type="checkbox"/>	Cherry Creek State Park		<input checked="" type="checkbox"/>	Sable Altura Fire	Matt Hilinski
<input type="checkbox"/>	Cherry Creek Valley W&S		<input type="checkbox"/>	SEMSWA	
<input type="checkbox"/>	Cherry Creek Village W&S		<input type="checkbox"/>	Sheridan Fire & Prevention	
<input type="checkbox"/>	Cherry Creek Vista Park & Rec		<input checked="" type="checkbox"/>	Sheridan Planning	
<input type="checkbox"/>	Cherry Hills Village Planning		<input type="checkbox"/>	Sheridan School District	
<input checked="" type="checkbox"/>	Cherry Hills Village Planning		<input type="checkbox"/>	Skyline Fire	
<input type="checkbox"/>	Colorado Division of Water Res- State Engineering		<input type="checkbox"/>	Smoky Hill Metro	
<input type="checkbox"/>	Colorado Geological Survey		<input type="checkbox"/>	South Arapahoe San	
<input checked="" type="checkbox"/>	Colorado Parks and Wildlife	Travis Harris	<input type="checkbox"/>	South Arapahoe San District 1	
<input checked="" type="checkbox"/>	Columbine Valley Planning		<input type="checkbox"/>	South East Public Improvement Metro District	
<input type="checkbox"/>	Conoco Philips Pipeline- Amarillo		<input type="checkbox"/>	South Metro Denver Chamber	
<input type="checkbox"/>	Copperleaf Metro District 1-9		<input type="checkbox"/>	South Metro Fire	
<input type="checkbox"/>	Cottonwood Metro District		<input type="checkbox"/>	South Suburban Park & Rec	
<input type="checkbox"/>	Cunningham Fire	Tyler Everitt	<input type="checkbox"/>	Southeast Business Partnership	
<input type="checkbox"/>	Deer Trail Cons District	Sheryl Wailes	<input type="checkbox"/>	Southgate At Centennial Metro District	
<input type="checkbox"/>	Deer Trail Fire	Rich Loveless	<input type="checkbox"/>	Southgate W&S District	
<input checked="" type="checkbox"/>	Deer Trail Planning		<input type="checkbox"/>	Southwest Metro W&S	
<input type="checkbox"/>	Deer Trail Post Office		<input checked="" type="checkbox"/>	State Land Board	Page Bolin
<input type="checkbox"/>	Deer Trail School 26J		<input type="checkbox"/>	Strasburg Community Group	
<input type="checkbox"/>	Denver Planning CPD		<input type="checkbox"/>	Strasburg Fire District	Tanner McCall
<input type="checkbox"/>	Denver Regional Council of Gov. DRCOG		<input type="checkbox"/>	Strasburg Heights Citizens Org	
<input checked="" type="checkbox"/>	Denver South Economic Dev Partnership	Lynn Meyers	<input type="checkbox"/>	Strasburg Parks & Rec	
<input type="checkbox"/>	Department of Health & Environmental State of Colorado		<input type="checkbox"/>	Strasburg Post Office	
<input type="checkbox"/>	DIA	Jeannette Hilare	<input type="checkbox"/>	Strasburg School	
<input type="checkbox"/>	Division of Wildlife		<input type="checkbox"/>	Strasburg W&S	
<input type="checkbox"/>	Division of Oil & Public Safety		<input type="checkbox"/>	Suburban Metro District	
<input type="checkbox"/>	Division of Real Estate		<input checked="" type="checkbox"/>	Tri-County Health	Sheila Lynch, Mike Weakley
<input checked="" type="checkbox"/>	Douglas County Engineering		<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Douglas County Planning		<input type="checkbox"/>	Union Pacific Railroad	
<input type="checkbox"/>	Dove Valley Metro District		<input checked="" type="checkbox"/>	Urban Drainage	David Mallory
<input type="checkbox"/>			<input checked="" type="checkbox"/>	Us Army Corps of Engineers	Kiel Downing
<input type="checkbox"/>	E-470 Public Hwy		<input type="checkbox"/>	Vermillion Creek Metro	
<input type="checkbox"/>	East Arapahoe Metro District		<input checked="" type="checkbox"/>	Washington County Planning	Annie Kuntz
<input type="checkbox"/>	East Cherry Creek Valley W&S		<input checked="" type="checkbox"/>	Weld County Planning	
<input type="checkbox"/>	Eastern Adams Cty Metro District		<input checked="" type="checkbox"/>	West Arapahoe Conservation District	Tasha Chevarria

<input checked="" type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Willow Trace Metro	
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Willows Water District	
<input type="checkbox"/>	East End Advisory		<input checked="" type="checkbox"/>	Xcel Energy	Donna George
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Other	
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Other	
<input type="checkbox"/>	East Smoky Hill Metro District		<input type="checkbox"/>	Other	
HOA/Homeowners Associations (sent via separate referral)					

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
<input type="checkbox"/>	Have NO comments to make on the case as submitted	<i>Michael Grady</i> 9-19-16
<input checked="" type="checkbox"/>	Have the following comments to make related to the case:	Michael Grady - City of Centennial Planner II

Project Name: Land Development Code PUD Chapter Rewrite

Project Number: W16-002

Jurisdiction: Arapahoe County

Date Received: 2016-09-14 00:00:00

Due Date: 2016-10-03 00:00:00

Addressing Comments:

No Comments

Engineering Comments:

No Comments

Planner Comments:

No Comments



Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

Planning Division

Referral for LDC Code Updates

Case Number / Case Name:	W16-002 Land Development Code PUD Chapter Rewrite
Planner:	Jason Reynolds
Date:	Chuck Haskins
Date to be returned:	October 3, 2016

Arapahoe County Agencies for LDC Code Updates					
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<input type="checkbox"/>	CDOT Region 1		<input type="checkbox"/>	N Kiowa Bijou Groundwater District	

<input checked="" type="checkbox"/>	East End Advisory	Carl Kroh	<input type="checkbox"/>	Willow Trace Metro	
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	COMMENTS:	SIGNATURE
<input checked="" type="checkbox"/>	Have NO comments to make on the case as submitted	<i>Carl Kroh</i>
<input type="checkbox"/>	Have the following comments to make related to the case:	

Jason Reynolds

From: Kaufman Brooks <BKaufman@Irea.Coop>
Sent: Thursday, September 15, 2016 8:13 AM
To: Jason Reynolds
Subject: RE: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Jason

The Association has no comment on this referral.

Respectfully

Brooks Kaufman
Lands and Rights-of-Way Director
Intermountain Rural Electric Association
5496 N U.S. Hwy 85
P.O. DRAWER A
Sedalia, CO 80135
Office (303) 688-3100 ext 5493
Direct (720) 733-5493
Fax (720) 733-5868
Cell (303) 912-0765
bkaufman@irea.coop
P please consider the environment before printing



From: Jason Reynolds [mailto:JReynolds@arapahoegov.com]
Sent: Wednesday, September 14, 2016 1:55 PM
To: Jason Reynolds
Subject: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Case: W16-002 – PUD Chapter Rewrite

Project Manager: Jason Reynolds

Please return any comments by **October 3, 2016**

Direct link to draft code: <http://www.arapahoegov.com/DocumentCenter/View/3879>

Arapahoe County is preparing an update to our Land Development Code based on recommendations outlined in a recent assessment performed by Clarion Associates. The first code amendment we're preparing is an overhaul of our Planned Unit Development process, which is the process most properties in unincorporated Arapahoe County have used to develop. The goals for these updates include: improve the clarity and predictability of the County's regulations; simplify the process for adopting and modifying PUD approvals as market conditions and planning priorities change over

time; and avoid the use of PUD when other more predictable, efficient, and administrable forms of land use approval are appropriate.

In addition to the proposed PUD Chapter changes, we will be adding new residential zoning districts to our code and reorganizing the code to make it more readable and user-friendly. We'll send out a separate referral when those sections are drafted.

We have a lot of information related to this project, including the full Land Development Code Assessment, on the project's web page: <http://www.arapahoegov.com/index.aspx?nid=1464>.

If you'd like a general overview of the proposed process, you can download the flow charts:
<http://www.arapahoegov.com/DocumentCenter/View/3862>

If you have comments, please email them to me or to ldcrewrite@arapahoegov.com by Monday, October 3. Please put the case number in the subject line. I have attached a referral routing sheet if you'd like to use it for your comments; an email or something on your letterhead are also fine options. If you have questions, let me know - I appreciate your input.

Thanks,
Jason Reynolds, Current Planning Program Manager
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112
720-874-6664 direct / 720-874-6650 Planning / 720-874-6574 TDD
jreynolds@arapahoegov.com / 720-874-6611 Fax
www.arapahoegov.com;

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MEMORANDUM

To: Jason Reynolds, Current Planning Program Manager

From: Heather Gutherless, Senior Planner

Date: October 7, 2016

Subject: W16-002 – PUD Chapter Rewrite
Jefferson County Case no. 16-1206200A

Thank you for sending Jefferson County the proposed changes to the PUD chapter. It is always interesting to see how other jurisdictions are modifying their regulations. The rezoning information for Wadsworth Station. Staff has reviewed the plans and has the following comment:

It may be useful to define 'permitted uses' for open space designated lands in the Land Use and Development Standards (13-103.01) section. For example, Section 18.7 of the Jefferson County Zoning Resolution (PD-Planned Development) clearly defines the uses for open space designated lands:

Use of Open Space Designated Lands

a. Unless otherwise specified within the Official Development Plan, permitted uses in areas designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term, are limited to the following. (orig. 8-31-93)

(1) Passive recreation, defined as activities which use the land with minimal disturbance and which do not utilize structures or permanently installed equipment. (orig. 8-31-93)

(2) Recreational trails for non-motorized use, except that motorized wheelchairs are permitted. (orig. 8-31-93)

(3) Perimeter fence with a maximum height of 42". (orig. 8-31-93)

(4) Signs 6 square feet or less that are accessory to a permitted open space use. (orig. 8-31-93)

(5) Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment storage or other use accessory to a permitted open space use. (orig. 8-31-93)

- (6) Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals. (orig. 8-31-93)
- (7) Forest management activities designed to promote healthy and aesthetic forests. (orig. 8-31-93)

Again, thank you for the opportunity to review the Regulation changes. If you have questions please call or email me at 303-271-8716 or hguthert@jeffco.us.

Jason Reynolds

From: Hans Friedel <Hans.Friedel@cityoflonetree.com>
Sent: Thursday, September 15, 2016 9:03 AM
To: Jason Reynolds
Subject: RE: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Jason,

Lone Tree has no comment on this. Thank you for the opportunity to review the proposed changes.

Regards,

Hans G. Friedel

Planner III

City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124
720.509.1271
hans.friedel@cityoflonetree.com
www.cityoflonetree.com

From: Jason Reynolds [mailto:JReynolds@arapahoegov.com]
Sent: Wednesday, September 14, 2016 1:55 PM
To: Jason Reynolds <JReynolds@arapahoegov.com>
Subject: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Case: W16-002 – PUD Chapter Rewrite

Project Manager: Jason Reynolds

Please return any comments by **October 3, 2016**

Direct link to draft code: <http://www.arapahoegov.com/DocumentCenter/View/3879>

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Thanks,

Jason Reynolds, Current Planning Program Manager

Arapahoe County Public Works and Development

Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112

720-874-6664 direct / 720-874-6650 Planning / 720-874-6574 TDD

jreynolds@arapahoegov.com / 720-874-6611 Fax

www.arapahoegov.com ;



Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

Planning Division

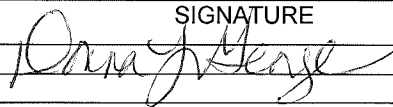
Referral for LDC Code Updates

Case Number / Case Name: W16-002 Land Development Code PUD Chapter Rewrite
Planner: Jason Reynolds
Date: Chuck Haskins
Date to be returned: October 3, 2016

Arapahoe County Agencies for LDC Code Updates

<input checked="" type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Willow Trace Metro	
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Willows Water District	
<input type="checkbox"/>	East End Advisory		<input checked="" type="checkbox"/>	Xcel Energy	Donna George
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Other	
<input type="checkbox"/>	East End Advisory		<input type="checkbox"/>	Other	
<input type="checkbox"/>	East Smoky Hill Metro District		<input type="checkbox"/>	Other	
HOA/Homeowners Associations (sent via separate referral)					

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
<input checked="" type="checkbox"/>	Have NO comments to make on the case as submitted	
<input type="checkbox"/>	Have the following comments to make related to the case:	



October 3, 2016

Jason Reynolds
Arapahoe County Planning Division
Arapahoe County Lima Plaza
6924 S Lima St
Centennial CO 80112

RE: Land Development Code PUD Chapter Changes, W16-002
TCHD No. 4086

Dear Mr. Reynolds:

Thank you for the opportunity to review and comment on the proposed Land Development Code PUD Chapter changes to improve the clarity and predictability of the County's regulations, simplify the process for adopting and modifying PUD approvals, and avoid the use of PUD when other forms of land use approval are appropriate. Tri-County Health Department (TCHD) staff has reviewed the code update and has no comments.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurel Broten", written in a cursive style.

Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Steve Chevalier, TCHD